Pufendorf and the Church Reforms of Peter the Great

Rev. Georges Louis Bissonnette, A. A.

1962

Submitted in partial fulfillment
of the requirements for the
degree of Doctor of Philosophy
in the Faculty of Political
Science, Columbia University.

ABSTRACT

of

Pufendorf and the Church Reforms of Peter the Great by Rev. Georges Bissonnette, A.A.

The absence of a clear distinction between the temporal and spiritual spheres of authority at the beginning of Peter's reign is first shown by a discussion of the Byzantine dualist theory, represented by Patriarch Adrian, and the survival of the "Moscow--Third Rome" theory. To this is opposed Pufendorf's conception of natural religion with the place it gave to the monarch in ecclesiastical affairs. In the writer's opinion, Peter set out to assure the limited triumph of Pufendorf's version of the Western idea of *raison d'état*, by means of his Church reforms. This hypothesis is supported by the following facts: (1) Peter prescribed two of Pufendorf's works in the program of studies which he drew up for his son and heir; (2) Peter was in the habit of calling himself the Russian Pufendorf, (this fact is drawn from the introduction to the translation of Pufendorf's *Einleitung zu der Historie der vornehmsten Staaten in Europa*, done on Peter's orders); (3) Peter approved Prokopovich's inclusion of Pufendorf's *De officio hominis et civis juxta legem naturalem* among the required textbooks for the seminaries established by the Spiritual Regulation; (4) for the last nineteen years of his life, Peter had as his constant companion and adviser the disciple of the German jurist, Feofan Prokopovich; (5) the influence of the two

books just named on the Spiritual Regulation and on the other works of Prokopovich, which Peter had read into the laws of the Empire, is so great that the same wording can sometimes be found in Pufendorf and in the laws of Russia of the time. From this, the writer concludes that Peter's intention of implementing the Church reform suggestions of Pufendorf is so well established that he can proceed to measure the influence of the German jurist on the Church reforms which actually took place in Russia between 1696 and 1725.

The five chapters which follow are all cast in the same mold. They consist of: (1) a brief exposition of the situation which obtained at the beginning of the reforms, (2) the pertinent texts of Pufendorf on the matter under discussion, and finally, (3) an attempt to compare Peter's thoughts and actions, as revealed in his letters, laws, speeches and the preambles to his laws, with the suggestions of Pufendorf.

Chapter II treats the privileges and immunities of ecclesiastical persons. Its sections are entitled: (1) Meaning of "ecclesiastical persons" in 1700, (2) Pufendorf proscribes all privileges and immunities, (3) Peter suppresses the privileges and immunities of ecclesiastical persons.

Chapter III deals with the Church as a judicial institution. The three sections of this chapter are: (1) The Church judicial system under dual sovereignty, (2) Pufendorf says: "One sovereign, one judicial system", (3) Peter unifies the Russian judicial system.

Chapter IV takes up the question of the Church as the owner of property. Its sections are: (1) Status of the Russian Church in the economic life of the country in 1700, (2) Pufendorf prescribes: "No independent economic life for the Church", (3) Peter acts on Pufendorf's advice.

Chapter V is concerned with the Church as an educational institution. Its sections are entitled: (1) The Church's quasi-monopoly of education in 1700, (2) Pufendorf says: "All education must help the supreme civil magistrate's quest for the common good", (3) the Church: enlightening agent of Peter's enlightened despotism.

The last chapter considers the Church as an agency of welfare. The sections of the chapter are: (1) the Church: providence of the "lame, halt and blind" in 1700, (2) Pufendorf was not preoccupied with welfare problems, (3) the Church: Peter's Ministry of Welfare.

In all of these aspects of the Church reforms, Peter seems to have followed the guide lines laid down by the German jurist. There were deviations in detail, but Peter rarely departed from the path indicated by Pufendorf. One such departure was Peter's decision to leave the direct administration of the Church's property in the hands of clergymen. He did, however, set up a system which allowed him to siphon off whatever he needed from the revenue of the Church, and he put the hierarchy on salary, as Pufendorf had advised.

In the welfare field, Peter's ingenuity suggested to him many things not mentioned by Pufendorf, but all of them aimed at helping the unfortunates and at proscribing indolence, which was Pufendorf's general indication with regard to welfare.

The writer takes issue with the Soviet historians who try to downgrade the Church's role in education during Peter's reign. By comparing the documents they cite with what they say in the Ocherki istorii SSSR, the writer is able to point out their evident bias.

For his documentation, the writer draws upon the resources of his order's (Assumptionists') Byzantine Institutes, now in France, but formerly in Bucharest, Plovdiv (Bulgaria), Phanaraki (Turkey) and Athens, as well as on the better known American and European libraries.

Acknowledgment

The writer of this dissertation gratefully acknowledges his debt to his religious superiors who have provided the time and means of completing this study. He is also most grateful to Professor Geroid T. Robinson for the years of devoted and enlightened guidance which he gave the writer at all stages of his work. Special thanks to Professors Henry L. Roberts, who sponsored the dissertation, Joseph H. Ledit, s.j., Marc Raeff, Ihor Ševčenko, Leonard Krieger, and Miss Louise E. Luke, who have helped with one part or another of the dissertation. Miss Luke also doubled as editorial critic. The text has been read and amended by Fathers Richard Richards, A.A. and Joseph Loiselle, A.A. A vote of thanks to them for their ungrateful task.

At one time or another the writer has tested the patience and devotion of many typists. Thanks to Misses Anne Petry, Barbara Geelan, Jeanne Naugler and Sisters Norina and Theresa Rose of the Venerini Sisters.

Table of Contents

Introduction.................................... p. 1

Chapter I- The Background: Russian Facts and Pufendorf's Ideas

Section I- Two Sovereigns in Russia Until 1700 (?).......................... p. 12

Section II- Pufendorf's Ideas: One Sovereign, the Supreme Civil Magistrate..... p. 23

Section III- The Acquaintance of Peter the Great with the Ideas of Pufendorf...... p. 36

Section IV- Brief Chronological Sketch of Peter's Church Reforms........... p. 48

Chapter II- The Privileges and Immunities of Ecclesiastical Persons............... p. 52

Section I- Meaning of "Ecclesiastical Persons" in 1700.......................... p. 53

Section II- Pufendorf Proscribes All Privileges and Immunities.................... p. 63

Section III- Peter the Great Suppresses the Privileges and Immunities of the Ecclesiastical Persons....... p. 78

Chapter III- The Church as a Judicial Institution

Section I- The Church Judicial System under Dual (?) Sovereignty............. p.133

Section II- Pufendorf Says: "One Sovereign, One Judicial System"................. p.146

Section III- Peter the Great Unifies the Russian Judicial System.......... p.154

Chapter IV- The Church as an Economic Institution

Section I- Status of the Russian Church in the Economic Life of the Country in 1700........................... p.183

Section II- Pufendorf Prescribes: "No Independent Economic Life for the Church"........................... p.198

Section III- Peter the Great Acts on Pufendorf's Advice Concerning the Church's Economic Life.................... p.203

Chapter V- The Church as an Educational Institution

Section I- The Church's Quasi-monopoly of Education in 1700................ p.229

Section II- Pufendorf Says: "All Education Must Help the Supreme Civil Magistrate's Quest for the Common Good"............................ p.239

Section III- The Church: Enlightening Agent of Peter's Proto-Enlightened Despotism........................ p.249

Chapter VI- The Church as a Welfare Institution

Section I- The Church: Providence of the "Lame, Halt and Blind" in 1700.......... p.293

Section II- Pufendorf Was Not Preoccupied with Welfare Problems.................. p.297

Section III- The Church: Peter's Ministry of Welfare.......................... p.299

Conclusion..................................... p.325

Bibliography................................... p.326

Introduction

Among the hundreds of historians and other scholars who have studied the impressive record of the achievements of Peter the Great, one can find many schools of thought. The majority believe that Peter tried to make over his country on the model of the West European lands he had visited and admired. A few serious scholars, on the contrary, hold to the opinion that Peter was pushed by circumstances and that he made his decisions in view of immediate goals, without paying much attention to the overall effect of the measures he was instituting. The former usually speak about the "reforms" of Peter the Great, thereby indicating their belief that Peter had some plan in mind. From the title of this essay, it is easy to see that the writer shares the conviction of the majority group.

Despite their smaller number, those who hold the view that Peter the Great was at most an "unconscious reformer" can claim as theirs the "dean" of Russian historians, V. O. Kliuchevskii, who expressed their position quite clearly when he wrote:

> Only during the last decades of his fifty-three years' career was it borne in upon him that he had done anything new, let along anything excessively new. And that tardy realization of what he had done itself was no more than a mental reflex process proceeding less from thoughts of the contemplated than from thoughts of the accomplished: which means, in other words, that Peter in becoming reformer did so involuntarily, automatically and unawares.[1]

---

[1] V. O. Kliuchevskii, A History of Russia (London, 1926), IV, 213.

The writer thinks that Kliuchevskii might have changed his mind if he had had at his disposal the documents which have come to light by the middle of the twentieth century and which will be brought forward in this essay. In a recent book, however, H. Vallotton still holds to Kliuchevskii's position when he writes:

> It would be an error to see in Peter the First a born reformer, trying to realize a program elaborated along pre-established principles. The Tsar has no integrated plan. Pushed by circumstances, he goes to the most urgent. His decisions are thus not inspired by general views; but they are imposed on him successively by imperious necessities: the military situation, the economic and financial crisis, especially, the rebellions. Some great reforms are, nevertheless, due to his genius, to his firm desire to modernize his people.[2]

Curiously enough, Vallotton's bibliography contains a number of the volumes of documents which have been used in this study. This leads the writer to think there is a need for one more book on Peter the Great.

The many scholars who agree that Peter wished to imitate the institutions of Western Europe have usually left it at that. Some attempts have been made to trace the influence of one or another of the European thinkers on a particular law or speech by means of which Peter altered the institutional pattern of Russia. These attempts will be discussed either in the text or in the footnotes of this essay. No one, to the writer's knowledge, has tried to detect the influence of one thinker on a considerable body of related laws, manifestoes and regulations. It is the writer's opinion that for the so-called "Church Reforms", Peter the Great followed the lead of Samuel Pufendorf.

---

[2] H. Vallotton, Pierre le Grand (Paris, 1958), pp. 435-436. Translation by the writer.

Sources-

Some of the documents upon which the writer relies were not published until the middle of the twentieth century. It is only recently that the Soviet Academy of Sciences has decided to continue the publication of the series entitled, Letters and Papers of the Emperor Peter the Great.[3] The first six volumes had appeared before 1917 and they had contained material relating to the period 1682-1706. Volumes VII-X present documents dated 1707-1710.

Under the editorship of N. A. Voskresenskii, the first volume of a collection entitled, Legislative Acts of Peter I, appeared in 1945.[4] While more restricted in scope than the Letters and Papers, this collection contains many drafts of laws and edicts, with indications of Peter's personal contribution to their phrasing. These indications have been used as testimony of the Tsar's thoughts and intentions.

The exhaustive collation of documents, undertaken by

---

[3] Pis'ma i bumagi imperatora Petra Velikogo [Letters and Papers of the Emperor Peter the Great] (Moscow, 1947 - 1956), Vols. VII, VIII, IX and X.

[4] N. A. Voskresenskii (ed.), Zakonodatel'nye akty Petra I [Legislative Acts of Peter I] (Moscow-Leningrad, 1945), Vol. 1.

M. M. Bogoslovskii, and bearing the title *Peter I: Materials for a Biography*,[5] is another recent addition to the field of scholarly investigation. Unfortunately, Bogoslovskii's five volumes do not contain anything dated later than 1700 and they have been of limited use to the writer.

Of the pre-revolutionary collections of documents, two have been used extensively: *The Complete Collection of the Laws of the Russian Empire from 1649*[6] and *The Description of the Documents and Records Preserved in the Archives of the Most Holy Governing Synod*.[7]

The sources thus far enumerated have three things in common: they are in Russian, they contain the record of Peter's activity and there is very little in them in the way of commentary. Some of the key documents pertaining to Peter's Church reforms, however, have received particular attention. The Spiritual Regulation of 1721 was translated into English as early as 1729 by Thomas Consett,[8] and it was critically edited in 1916 by P. V. Verkhovskoi.[9] The bibliographical material assembled by P. P. Pekarskii[10] has been utilized, as well as the statistical and factual information contained in the works of M. I. Gorchakov[11] and P. N. Miliukov.[12]

---

[5] M. M. Bogoslovskii, *Petr I: Materialy dlia biografii* [Peter I: Materials for a Biography] (Moscow, 1940-1948), Vols. I-V.

[6] *Polnoe sobranie zakonov Rossiiskoi Imperii s 1649g.* [Complete Collection of the Laws of the Russian Empire from 1649] (St. Petersburg, 1830-1916), Vols. I-VIII.

[7] *Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda* [Description of the Documents and Records Preserved in the Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917). Vols. I-VII.

To ascertain the exact teaching of Samuel Pufendorf on the various topics to be discussed in this study, recourse was had only to his *Einleitung zu der Historie der vornehmsten Staaten in Europa*,[13] to his *De officio hominis et civis juxta* legem naturalem libri duo[14] and to his De habitu religionis Christianae ad vitam civilem liber singularis,[15] for reasons that will be made clear in the first chapter. In this study, the Einleitung is quoted in the Sayer translation;[16] the De officio in the Moore translation;[17] the De habitu in the Crull translation.[18]

---

[8] T. Consett, *The Present State and Regulations of the Church of Russia* (London, 1729).

[9] P. V. Verkhovskoi, *Uchrezhdenie dukhovnoi kollegii i Dukhovnyi Reglament* [The Establishment of the Spiritual College and the Spiritual Regulation] (Rostov-on-the-Don, 1916), Vols. I-II.

[10] P. P. Pekarskii, *Nauka i literatura v Rossii pri Petre Velikom* [Science and Literature in Russia at the Time of Peter the Great] (St. Petersburg, 1862), Vols. I-II.

[11] M. I. Gorchakov, *Monastyrskii Prikaz (1649-1725 gg.)* [The Monastery Department (1649-1725)] (St. Petersburg, 1868).

[12] P. N. Miliukov, *Gosudarstvennoe khoziaistvo Rossii v pervoi chetverti XVIII stoletiia i reforma Petra Velikago* [The State Economy of Russia in the First Quarter of the Eighteenth Century and the Reform of Peter the Great] (St. Petersburg, 1905).

[13] S. Pufendorf, *Einleitung zu der Historie der vornehmsten Staaten in Europa* (Frankfort a/d Main, 1682-1686).

Of course, the various Russian and non-Russian writers who have paid attention to the work of Peter the Great in the field of Church-State relations have been consulted, but they will be found in the footnotes and in the bibliography. The same must be said about the many other collections of documents and periodicals which have served the writer occasionally.

---

[14] S. Pufendorf, De officio hominis et civis secundum legem naturalem libri II [On the Duty of Man and Citizen According to Natural Law: Two Books] (Lund, 1673). This work has been reproduced and translated under the title De officio hominis et civis juxta legem naturalem libri duo (New York, 1927), in the series Classics of International Law. Volume One contains the Latin text of the 1682 edition (photostat), and Volume Two a translation by F. G. Moore. The 1927 edition is henceforth cited as De officio (1927).

[15] S. Pufendorf, De habitu religionis Christianae ad vitam civilem liber singularis [On the Relation of the Christian Religion to Civil Life: Single Volume] (Bremen, 1687).

[16] S. Pufendorf, An Introduction to the History of the Principal States of Europe, trans. J. Sayer. (London, 1744). 2 Vols.

[17] Supra, footnote 14.

[18] S. Pufendorf, Of the Nature and Qualification of Religion in Reference to Civil Society, trans. J. Crull. (London, 1698). The Sayer and Crull translations have been checked with the German and Latin texts. The Moore translation did not require such precautions.

Method-

The method used in this study needs very little explanation. Whenever there is in the sources any direct evidence of the influence of Pufendorf on Peter, such evidence is carefully collected and an effort is made to weigh its importance. This effort consists of a detailed comparison of the activities of Peter the Great in the field of Church-State relations with the teachings of Pufendorf to detect the extent of the similarity of their views and even of their expressions.

It may be useful at this point to note that Pufendorf never mentioned Peter the Great. In fact he died in 1694, when Peter was only twenty-two years of age and had done nothing that indicated his future prominence as a reformer. Thus, there are no grounds for disputing the direction of the influence shown by a similarity of views and expressions between the two men. If there is such an influence, it must go from Pufendorf to Peter and not vice versa, unless both of them were borrowing from a common source. As already indicated, the writer believes there was such a common source: the general West European climate and institutional pattern, which Peter had encountered on his voyages. Pufendorf expressed this climate and this pattern in formulas which Peter recognized as applicable to Russia.

In the discovery of Peter's thoughts and intentions, the letters and personal papers of the Tsar present no special difficulty since they are his direct expression. The laws, manifestoes and other public documents require that one proceed with more circumspection. Peter, himself, drafted many important pieces of legislation and of propaganda, but the works of Verkhovskoi and Voskresenskii have made it sufficiently clear that he sometimes had other persons make the first draft, which he then annotated and corrected. When the writer could not find critical editions of public documents, he tried to identify ideas and phrases in these documents with the ideas and phrases found in Peter's letters and papers. If these repetitions covered a span of time long enough to cancel out the effect of any one advisor or group of advisors, even though they did not appear in the Tsar's letters and papers, the writer felt justified in attributing them to Peter. It must be admitted that this technique was not always completely successful.

Another technique used to pinpoint the personal ideas of Peter in the text of the laws and other public documents consists in noting the similarities between the thoughts and the language used in the letters and private papers and their counterparts in the public documents. When it can be applied, this method gives much surer results, but as can be readily surmised, it finds only limited application.

The writer is convinced that Peter had no inclination toward speculative reasoning. He agrees with Kliuchevskii and Vallotton at least on that point. The theoretical passages in the documents that will be adduced are both rare and brief, when compared to the enormous volume of Peter's legislative and administrative writing. Still, the continuity in his activity points to the existence of guide lines. The time and space allotted to the analysis of Peter's laws have as their justification the discovery of these principles. The argument goes as follows: logic and continuity in actions which cover a quarter of a century cannot be the result of reacting to circumstances. If the thoughts, laws and actions of Peter the Great in the field of Church-State relations seem to have an internal consistency, if they do not negate and contradict each other over the years, it must be that the Tsar was pursuing some goal. If that goal was already described by Pufendorf in the treatises which were known to Peter, then there is a possibility that Peter's Church reforms corresponded to the program outlined by Pufendorf as the means to that goal. If, moreover, the Tsar-reformer showed special interest in these treatises and even called himself the "Russian Pufendorf", then, there is a probability that he borrowed the program of his Church reforms from Pufendorf.

In each chapter of this study, except the first, which has four, there are three sections. The first section establishes the situation in Russia at the beginning of Peter's reign in a particular field. The second presents the teachings of Pufendorf on the subject under discussion, e.g. the privileges and immunities of ecclesiastical persons. The third section describes Peter's thoughts, laws and actions in this field and compares each of them with Pufendorf's teachings.

A few more words about the method used in this study. A number of texts have been presented at some length. The writer does this with misgivings, but he can see no other alternative. Since his method is comparative, the texts themselves have to be submitted to the reader to bring out the similarities of views and expressions. The comparative method has also necessitated some repetitions. A regulation or a law is sometimes quoted a first time for its content, to indicate continuity in Peter's actions. Later, in the confrontation with the teachings of Pufendorf, it must again be quoted. These repetitions have been kept to a minimum by summarizing in the writer's words the content of the law the first time mention is made of it.

Just as worrisome is the fact that the texts embodying Pufendorf's teachings have to be used twice. The writer has employed in this instance the same artifice as in the case of the laws and regulations. In both cases, however, he has opted for repetition when there was a danger of obscurity or vagueness.

The categories used to divide the material were suggested by Pufendorf's writings, in the sense that his description of the place of the Church in a society which pursues the common good, falls into the following:

(a) the privileges and immunities of ecclesiastical persons--chapter II of this study;

(b) the Church as a judicial institution--chapter III;

(c) the Church as an economic institution--chapter IV;

(d) the Church as an educational institution--chapter V;

(e) the Church as a welfare institution--chapter VI.

Chapter I contains background material.

Chapter I-The Background: Russian Facts and Pufendorf's Ideas

Section I- Two Sovereigns in Russia until 1700 (?)

Church reforms, just as any other kind of reform, aim at altering the existing order of things. To become aware of the alterations which are going on, one must know with precision what the existing order is. What was the place of the Church in the life of Russia at the beginning of the reign of Peter the Great?

Peter was ten years old when he became co-Tsar of Russia in 1682. In 1696, he became sole "Tsar and Autocrat", as his title read, when it was used on solemn occasions. What did it mean to be the Tsar and Autocrat? How does the Church fare in a society which has a Tsar and Autocrat?

The personal papers and letters of Peter the Great in the period during which he shared the tsardom and the autocracy with his brother, Ivan V, yield very little in the way of ideas concerning the place of the Church in society. There are two very good reasons for this: Peter was too young to do much serious thinking; and, before 1689, he was too busy protecting his life from the intrigues of his sister, Sophia, the regent, and her various cohorts of palace guards, lovers and other adventurers. Once his claim to the throne had been vindicated and Sophia had been safely put out of the way in a convent, Peter began to bring to bear, on all the problems of state, the colossal energy, the inventiveness and the dogged determination which left an indelible mark on all aspects of Russian life. Another reason for choosing the year, 1696, as the "beginning of Peter's reign" is the fact that until that date he was co-Tsar with Ivan V. Even though Ivan probably exerted little influence, one would still have to make an attempt at identifying the personal contributions of Peter to the laws, decrees and other public documents. To avoid such a discussion, which would at best throw only a tangential light on the problem, the writer has fixed upon the year 1696 as the beginning of Peter's reign.

In the absence of proof to the contrary, it is plausible to suppose that Peter's conceptions of the place of the Church in society were those current in the court circles in which he lived. Since the Tsar and Autocrat was the most important person in those circles, it is only fitting to begin with his ideas. Did the Tsars who immediately preceded Peter on the throne say anything about the place of the Church in Russian society? Vladimirskii-Budanov has traced an interesting evolution in the thinking of Peter's father, Aleksei Mikhailovich (1645-1676), and Fëdor Alekseievich (1676-1682), Peter's half-brother.[1] He notes that the motive invoked for a law in 1654 was that "it seemed better to God and to Us to decree".[2] What was decreed is of no importance at the moment, but the implication that the Tsar acted as God's viceroy on earth is significant. Without wishing to push too far in that direction, on the strength of only one text, it nevertheless appears that the Church must have held a place of prime importance in the Russia of the middle of the seventeenth century to make such a phrase acceptable in a legislative text. This inference is based on the generally accepted fact that in Christian countries the Church is conceived as God's earthly instrument in the implementation of the plans of Providence. If some of the Tsar's laws were considered as emanating from divine authority, what degree of majesty must have been attached, during the reign of Aleksei Mikhailovich, to the pronouncements of the Church, God's traditional spokesman?

---

[1] M. F. Vladimirskii-Budanov, *Obzor istorii russkago prava* [Survey of the History of Russian Law] (St. Petersburg, 1909), pp. 226-231.

[2] *Polnoe sobranie zakonov Rossiiskoi Imperii s 1649 g.* [Complete Collection of the Laws of the Russian Empire from 1649] (St. Petersburg, 1830-1916), I, 330, No. 122.

Be that as it may, the same Tsar, Peter's father, enacted a law regulating trade and gave as his reason for doing so, that "all the surrounding states are doing this",[3] thereby, indicating that expediency and not God's wish was the force pushing the Tsar to act in that instance. About all that one could conclude from that motive is that Aleksei did not always say that he acted in God's name.

In 1682, the legislator was Fëdor, Peter's half-brother. One of the laws he put into force that year claimed "to conform to the new European customs" and it mentioned the "common good" as its raison d'être.[4] This law did not include the salvation of souls as a component of the "common good" pursued by the Tsar. This may have been an oversight, because from the tenor of the writings of the seventeenth century Tsars, one must conclude that the salvation of the souls of their subjects was their first preoccupation.[5] Peter, himself, no matter what he wrote and said later on, seems to have entertained this view at the beginning of his reign as sole Tsar and Autocrat. A letter which he sent to Moscow from Amsterdam in 1698, contains the following words: "I have constantly before my eyes a high goal: to overcome the enemies of Christ and to liberate the Christians living under their yoke".[6] It might be argued, after reading this text, that "liberating Christians" could be conceived as a purely secular action, similar to the Panslavic drives of the late nineteenth century, and that Peter in no way wished to imply that he was pursuing a religious goal by means of his rule as Tsar. It seems to the writer, however, that a letter addressed to the Patriarch of Moscow would be a strange place to express such a view. The letter itself is full of a young man's admiration for the civil and secular accomplishments of Germany and Holland. In closing, the young Tsar says: "I have constantly before my eyes...". The writer's opinion is that Peter was trying, by this means, to reassure the old patriarch that the worldly splendors of the West had not altered his conviction that a Russian Tsar must rule for the greater glory of God and for the salvation of God's children, not to bring about some secularized notion of the common good. If this interpretation of Peter's words is correct, it would mean that as late as 1698 he still gave indications of pursuing spiritual goals by means of his rule as Tsar.

---

[3] Ibid., I, 678, No. 408.

---

[4] Ibid. , II, 321, No. 905.

[5] Aleksei Mikhailovich wrote: "We pray every day to receive the light, wisdom and strength necessary to guard the souls of all Christians against the devious attacks of the devil and his minions, and to stand firmly as an unshakable pillar of orthodoxy in the faith", in P. Bartenev (ed.), Sobranie pisem Tsaria Alekseia Mikhailovicha [Collection of the Letters of the Tsar Aleksei Mikhailovich] (Moscow, 1856), p. 225. See also, Zapiski Otdeleniia russkoi i slavianskoi arkheologii Russkago arkheologicheskago obshchestva [Memoirs of the Section of Russian and Slavic Archeology of the Russian Archeological Society] (St. Petersburg, 1861), II, 774.

[6] Pis'ma i bumagi imperatora Petra Velikago [Letters and Papers of the Emperor Peter the Great] (St. Petersburg, 1887, I, 194.

What meaning can one gather from these rather ambiguous words of the seventeenth century Tsars with regard to Church-State relations? The best one can do, without reading into the texts more precision than they seem to contain, is to admit that the distinction between spiritual and temporal affairs, so familiar to students of European History, was not very clear in the minds of the Tsars.

The court circles, however, were not made up only of Tsars. One of the foremost laymen of the time was undoubtedly I. T. Pososhkov (1652-1726). In his book O skudosti i bogatstve [About Poverty and Wealth], he repeats time and again, that the Tsar, like God, can do whatever he wishes.[7] If the Tsar spoke in God's name, what place did the Church hold in Russian society at the beginning of Peter's reign? A hint of where to look for an answer to this question is furnished by the same Pososhkov in his Father's Testament. In one place he warns his son, then studying abroad, to "stay away from all lying foreign teachings" and to exclude from his guides to action "all worldly wisdom".[8] In another place, he tells his son that if he paid attention to foreign teachings, he would "make his healthy intelligence sick" and open to himself "the wide road of all heresies".[9] He then concludes his exhortation by saying: "Today, many Russians are studying the ways of foreigners. You, hold to our ancient faith".[10]

In other words, according to Pososhkov, the only way for a young Russian to save his soul was to shy away from the "worldly wisdom" as represented by the "ways of foreigners", (probably the very things which Peter the Great admired so much in Germany and Holland) and to hold to his

---

[7] I. T. Pososhkov, Kniga o skudosti i bogatstve [Book on Poverty and Wealth] (Moscow, 1951), passim.

[8] I. T. Pososhkov, Zaveshchanie otecheskoe [A Father's Testament] (St. Petersburg, 1893), p. 2.

[9] Ibid., p. 8.

[10] Ibid., p. 39.

"ancient faith". This is a rather surprising attitude for a "progressive" spirit to adopt. The prominent Soviet historian, Syromiatnikov, considers Pososhkov as one of the most enlightened men at the Russian court before and during the reign of Peter.[11]

During the quarrel between Patriarch Nikon and Tsar Aleksei Mikhailovich, which ended in the deposition of the patriarch, much had been written about Russian Church-State relations. The dualism which had characterized the Byzantine system of Church-State relations had been propounded forcefully by the patriarch. Nikon may have been pushed by circumstances into claiming for himself more authority--temporal and spiritual--than he could account for on the basis of Byzantine theory. Some of his expressions seem to claim a pre-eminence in certain affairs which Byzantine theory left to the Tsar. This whole conflict has been carefully studied and presented by Kapterev in two volumes of documents and commentary.[12]

Since the deposition of Nikon in 1667, three decades had elapsed. Just how much of his ideas survived? Did Patriarch Adrian claim any temporal power at the beginning of the reign of Peter the Great? The Circular Letter which Adrian addressed to the Russian bishops, archbishops, metropolitans and archimandrites to announce his accession to the patriarchal throne proclaimed:

---

[11] B. I. Syromiatnikov, Reguliarnoe gosudarstvo Petra Pervogo i ego ideologiia [The Regulatory State of Peter the First and its Ideology] (Moscow-Leningrad, 1943), I, 9-10.

[12] N. F. Kapterev, Patriarkh Nikon i Tsar' Aleksei Mikhailovich (Sergiev Posad, 1910-1912). Two volumes. For the contemporary Soviet view, see A. A. Novosel'skii, N. V. Ustiugov et al., Period Feodalizma: XVII v. [The Feudal Period: Seventeenth Century] (Moscow, 1955), an unnumbered volume in Ocherki istorii SSSR [Studies in the History of the U. S. S. R.] pp. 139-163, 312-324, 394-410.

> I say that there are two authorities which the Most High God has established on earth: the priesthood and the tsardom. Both must serve the divine purposes; both rule in a human fashion; both have their origin in the one and only source of power for the embellishment of the life of man. The tsardom exercises its power on earth; it must protect the poor and provide for the survival of the people; it must govern justly by judging between man and man; it must protect the kingdom from enemies; it must give aid to the Holy Orthodox Church in all events and extremities and it must pursue heretics, schismatics and all other calumniators; it must also repress, intimidate and punish all evildoers; it must praise and reward virtue and good works, establish courts which will judge its subjects and avenge crimes.
>
> The priesthood has authority on earth and in heaven; it blesses on earth and what it binds on earth will also be bound in heaven; what it allows on earth will not be reproved in heaven....Those who do not listen to my plain words, but turn away from them, turn away from Christ and His teaching. The words which I speak will be recalled on the Day of Judgment. I am free of responsibility for the ruin of those who do not listen to me, and I shall not be blamed for their ruin. For that reason they will be called to account for the way in which they received my teaching, which is essential to their salvation, be they the most potent tsar or the members of the hierarchy, archimandrites or higoumens, clergy or laity, in a word, all Orthodox Christians.[13]

---

[13] Quoted by G. A. Skvortsov, Patriarkh Adrian (Kazan', 1912), pp. 15-17. This whole passage is visibly inspired by the Byzantine political system especially as described in the laws of the Greek Empire. The expressions used by Adrian to characterize the priesthood and the tsardom are translations from the Latin. See, Corpus iuris civilis. Justiniani novellae [Collection of Civil Law. Justinian's Decrees] (Berlin, 1904), III, 35-38.

To some readers, this proclamation may seem to be an attempt to resurrect the position of Nikon. To others, it may seem to be no more than a claim to unchallengeable spiritual power. It is indeed regrettable that so few of Adrian's pronouncements should have found their way into the collections of seventeenth century Russian documents. Moreover, there is an embarrassing ambiguity in the documents which have been preserved. Since the patriarch died just four years after Peter the Great had become sole Tsar and Autocrat, the few Petrine letters and papers of these early years are of little use in clearing away the ambiguity. The writer feels that he may have pressed some of these few documents a little hard in trying to get at the theory which governed Russian Church-State relations at the beginning of Peter's reign.

Peter's letter of 1698, quoted above, and the Circular Letter of Patriarch Adrian at least indicate that the modern division between temporal and spiritual affairs had not yet fully evolved in Russia. The Tsar still pursued a number of goals which the twentieth century considers "spiritual". Did the patriarch pursue some "temporal" goals? The answer to that question depends on the interpretation which one places on the judicial system, the economic privileges, the welfare activities and the educational quasi-monopoly of the Russian Church. Was this a Russian parallel of the "estate" and "corporate" privileges of Western Europe or was it something indigenously Russian, a seventeenth century adaptation of Byzantine dualism? The writer cannot decide conclusively on the basis of the documents available to him. He can say, however, that the system of Church-State relations obtaining in Russia at the beginning of Peter's reign was certainly not the modern separation of Church and State. No monarch who subscribed to the theory of separation would conclude a speech by saying: "May the Lord God help Us in all ways to effect the salvation of the people".[14] Peter the Great did just that.

The absence of a clear distinction between the spiritual and temporal spheres of authority as well as the possibility of there having been two sovereigns in Russian political theory at the beginning of Peter's reign has been attributed to a survival of the "Moscow--Third Rome" ideology.[15] The writer shares that opinion. "Moscow--Third Rome" was one of those historico-theological conceptions which tried to explain the workings of divine providence in terms of human history. It said, in short, that God's direction of human events is exercised from the center of His Church. That center had been Imperial Rome as long as the Roman Catholic Church had remained faithful. When it fell into error, according to the "Third Rome" theory, the center of God's activity became Constantinople, the "second Rome". When Constantinople was taken by the Turks, it meant that God was about to choose another site from which to exercise His power. The choice fell on Moscow as the only city with a Church which had never faltered in the faith.

---

[14] N. A. Voskresenskii (ed.), Zakonodatel'nye akty Petra I [Legislative Acts of Peter I] (Moscow-Leningrad, 1945), I, 34.

[15] J. Ledit, "Russie", Dictionnaire de Théologie Catholique (Paris, 1939), XIV, 243-249, 271-275. More recently, W. K. Medlin, Moscow and East Rome (Geneva, 1952). This is a more superficial study than Ledit's. The best treatment of the subject, in the writer's opinion, is that by D. I. Mirchuk, Istorichno-ideologichni osnovi Teorii III Rimy [Historico-ideological Bases of the Theory of the Third Rome] (Munich, 1954).

The "Moscow--Third Rome" theory, with its perspectives of a world-state of religious character, explains the preoccupation of the Russian Tsars with the salvation of the souls of their subjects. As far as the question of the place of the Church in Russia at the beginning of Peter's reign is concerned, it also provides something of an answer. The Church and the State were so interwoven in their functions that only the personalities of the Tsar and Patriarch could determine who would do what.

How much of this theory lived on at the beginning of Peter's reign? The question remains wide open. The writer believes that Peter was held back from adopting the more secularizing tenets of Pufendorf's doctrine by a vague reluctance to endanger his own salvation and that of his subjects by an intemperate ingerence into the dogmatic and liturgical parts of the Church's life. Only the remaining sections and chapters of this study will be able to show how Peter managed to salvage something of his spiritual prerogatives while trying to implement Pufendorf's efforts to subordinate the Church to the sovereignty of the supreme civil magistrate.

Section II- Pufendorf's Ideas: One Sovereign, the Supreme Civil Magistrate.

All this talk about spiritual goals being pursued by temporal rulers is as foreign as anything can be to the thought of Samuel Pufendorf. Who was Pufendorf? Leibnitz, his better known contemporary, had a low opinion of his talent. In fact, Leibnitz wrote of Pufendorf that he was *vir parum jurisconsultus et minime philosophus*[16] [a man who is a bit of a jurist and a philosopher not at all]. Since that time, the omniscient Gierke has done much to give Pufendorf his due. Still, in tracing the intellectual progeny of Pufendorf, Gierke has failed to mention either Peter the Great or Feofan Prokopovich, probably because he could not read Russian.[17]

Samuel Pufendorf (1632-1694), born in Chemnitz, Saxony, was one of those international scholars whom the universality of Latin allowed to teach and write in many countries. Son of a clergyman, he became in turn, tutor to the Swedish ambassador in Copenhagen, professor of Jurisprudence in Heidelberg (1661-1668), professor of the Law of Nations in Lund, Sweden

---

[16] See A. H. Chroust, "Hugo Grotius and the Scholastic Natural Law Tradition", *The New Scholasticism*, XVII (1943), 122-125.

[17] O. Gierke, *Natural Law and the Theory of Society 1500 to 1800* (Boston, 1957), pp. 144, 338.

(1670-1677), historiographer of the Swedish court at Stockholm (1677-1688) and historiographer of the Prussian court (1688-1694).

Being a professor of law and theoretician, Pufendorf expresses himself with a neatness which is not lost in translation. Concerning the place of religion in society, he writes:

> Men did not form themselves into civil societies to discover or practice religion. For, since religion and the worship of God may be as effectively taken care of, and as duly performed by a few as by many, in a small as well as in a great assembly, there was no reason upon this account to erect societies consisting of great numbers of men... From whence it is plain that religion is the bond of society only in the sense that if religion were destroyed, the contracts and agreements upon which society is founded, would be too weak to hold men together, since they who do not fear God would never stand in awe of men.[18]

This text pertains directly to religion and not to the Church. But, since the Church is a religious institution, the place of religion on a thinker's conception of society is of great importance in determining the role which the Church will play in that society. It might even be said that, since the Church is not the only religious reality in society, what a thinker says about religion represents the maximum scope which he recognizes to religious activity. This last consideration would be realized whenever the Church did in fact exhaust the field of religious reality in a society. Although Pufendorf does not grant to religion, and even less to the Church, the very broad role that Patriarch Adrian claimed, the German jurist still maintains that religion is a pillar of society. The question is now, what does Pufendorf consider religion?

---

[18] S. Pufendorf, _Of the Nature and Qualification of Religion in Reference to Civil Society_, trans. J. Crull. (London, 1698), pp. 9-10. Rather serious corrections have been made by the writer upon consulting the Latin: _De habitu religionis Christianae ad vitam civilem liber singularis_ (2nd ed., Bremen, 1692), pp. 20-23.

In his Einleitung, he is more explicit on this subject. He says there:

> The doctrines of Christianity have no tendency to disturb the peace of society, but on the contrary, do promote this; nor do they contradict any civil laws except when these are repugnant to the eternal and immutable ones of right reason. As the Christian religion does moreover teach a man whether his station be public or private to act upon a conscientious principle, it goes farther than any system of religion or philosophy ever did; for it lays him under an obligation to faithfulness in many cases, which are not cognizable and consequently cannot be punishable by human laws. For these and many other reasons that might be given, it is of the utmost consequence to every sovereign who understands the genius of Christianity and consults his own temporal interest, although motives of a higher nature were out of the question, to introduce and support it in his dominions.[19]

Thus, the Christian religion has a place in society if for no other reason than the fact that it enjoins its practitioners to be faithful to their duties even when they could escape man-made laws. The devotees of "Moscow--Third Rome" may never have considered their "ancient faith" as an extension of the laws of the realm, but then, Pufendorf is not writing for them. In fact, he recognizes two kinds of religion: one, conforming to the traditional, supernatural conception, and another, serving as a social bond, but deprived of any supernatural character. In the De officio, he puts it this way:

---

[19] S. Pufendorf, Einleitung zu der Historie der vornehmsten Staaten in Europa, trans. J. Sayer. (London, 1744), II, 73.

> Although those precepts of natural law which concern other men may be derived primarily and directly from sociability, which we have laid down as a fountain, indirectly also the duties of man to God as Creator can be derived from the same, since the ultimate confirmation of duties towards other men comes from religion and fear of the Deity, so that man would not be sociable either, if not imbued with religion; and since reason alone cannot go further in religion than in so far as the latter subserves the promotion of peace and sociability in this life. For, in so far as religion promotes the salvation of souls, it proceeds from a special divine revelation.[20]

Here, Pufendorf reveals still more of his thought on the social role of religion and of the Church. Natural law, according to him, is a list of prescriptions and prohibitions deduced from man's social nature. These "precepts" derive their binding power and the sanctions attached to them from the fact that man is not only a social being but a creature of God. As a creature of God, man has definite duties towards his creator. In applying his reason to the analysis of his own nature, man succeeds in itemizing the "precepts" of natural law. Those which pertain to the "promotion of peace and sociability in this life", he traces back to his social nature. Those which pertain to the "salvation of souls" he traces back to a "special divine revelation". Thus, for Pufendorf, natural law is so-called not because it is being distinguished from divine law, but because it can be derived by means of an application of man's native or natural reason.

---

[20] S. Pufendorf, De officio hominis et civis juxta legem naturalem libri duo (New York, 1927), II, 21.

The duties of man with regard to his creator which are discovered in this way are the content of natural religion. These duties must be discharged by all men. Still other duties are known to man by divine revelation and these must be discharged only by the men who have faith in this revelation. Faith is a gift from God and it is reserved to the elect. Hence, only natural religion, which is universal, can serve as a social bond.

A few pages further, he explains himself even more clearly by saying:

> So much is indeed certain, that the effect of this natural religion, precisely considered, with regard to man's present condition, is limited to the sphere of this life, and is of no avail to secure eternal salvation. For human reason, if left to itself, does not know that the depravity which is seen in man's faculties and inclinations came through human sin, and deserves the anger of God and eternal destruction. Hence, too, the necessity of a Saviour is hidden from the reason, as also His service and merit, likewise the promises of God, given to the human race, and whatever else depends upon these--the things through which alone eternal salvation is gained for men, as is known from the Scriptures.[21]

Thus, Pufendorf distinguishes clearly between natural religion and supernatural religion and contrasts them with civil society. Supernatural religion flows from God, through the Scriptures and it concerns the salvation of souls. Natural religion also comes from God, but it reaches mankind through human reason. Natural religion plays a key role in society by sanctioning the contracts and agreements upon which social life is founded. Supernatural religion has only an incidental role in society: it extends the sphere of man's obligation into areas which are outside the reach of human laws.

---

[21] *Ibid.*, II, 25.

The subtle interplay which Pufendorf is describing must not lead one to think that civil authority derives from something other than God, for Pufendorf writes:

> What has been laid down with regard to the origin of states does not prevent us from saying, with good reason, that civil authority is from God.[22]

The reasoning here is a little intricate and it relies more on theology than it does on jurisprudence. The writer believes that this last text can be reconciled with those already quoted, if the following construction is put upon the phrase "civil authority is from God", viz. "insofar as sociability and natural law derive from God": the derivation being by means of human reason which deduces the nature and scope of civil authority from the requirements of "peace in this life". Such an explanation almost identifies natural religion and civil authority. It does, however, set them off from supernatural, revealed religion, which is concerned only with the salvation of souls and which comes from God by means of the Scriptures. Consequently, supernatural religion has only an indirect, incidental impact on social life and civil authority, which seems to be Pufendorf's main point in the texts under discussion. The influence of revealed or supernatural religion on social life is thus limited to the generation of "fear of the Deity" as an auxiliary force to persuade those for whom human reason holds little appeal, when it comes to complying with the requirements of "peace and sociability in this life".

---

[22] *Ibid.*, II, 109.

The reasoning just outlined may be tortuous and difficult to grasp, but no other can accommodate the following excerpt from the Einleitung. There, Pufendorf asks the question:

> Whether it be necessary that the supreme power in religious matters should in every state be in the hands of the whole body of the clergy or of some of them independently of the sovereign, or that all states should in these matters submit to one supreme head? Such a necessity, if it does exist, must arise from the religion of nature or from the particular genius of a revealed religion. It cannot arise from the religion of nature, because it would be introducing a second independent power in every state. As the consequence of such a double power must be perpetual feuds betwixt civil magistrates and Church governors, which would never end but in the ruin of one or the other, it cannot be founded in reason; and of course can be no part of the religion of nature: for if civil government be reasonable, it is absurd to suppose that any other power absolutely incompatible with it is also reasonable. As to the Christian religion in particular, since it does in every other instance exalt the doctrines of natural religion, it would be strange that it should be in this essential point contradictory thereto; and it is incumbent upon those, who contend for the necessity of depriving the civil magistrate of the supreme power in religious matters, to show a positive command for this in the New

Testament.[23]

Thus, reason and natural religion go hand in hand, and, most of the time, revealed religion agrees with them. Human society and its institutions, such as sovereign power, are founded on reason and natural religion. Revealed religion has a field of activity which sometimes touches on human society, but ordinarily, the spiritual sphere is far enough removed from society not to impinge on its institutions.

Before taking up the question "Who should exercise supreme power in religious matters?", which the previous text discussed, one more aspect of the incidental influence of revealed religion on society must be mentioned. It concerns oaths. About them, Pufendorf writes:

> Oaths do not in themselves produce a new and particular obligation, but are added as a sort of accessory bond to an obligation in itself valid. For always in swearing we suppose something, failing to perform which, we call down upon us the divine punishment. We also must note that in oaths the sense of the whole text prevails as avowedly understood by the man who tenders the oath, that is, the man to whom we swear. For it is in his interest especially, not that of the swearer, that an oath is given. Hence, it is his privilege also to frame the words of an oath with all possible clearness. And he must show how he understands them, while the swearer should declare that he clearly understands the meaning; and he must clearly pronounce the words, so that he can in no way equivocate or evade.[24]

---

[23] Einleitung... trans. J. Sayer. II, 74.

[24] De officio (1927), II, 60-61.

The attention paid to the mechanics of oaths and of their interpretation contrasts strongly with the offhand fashion in which the appeal to the divinity is treated. Still, it is precisely this appeal to the divinity which distinguishes an oath from a simple promise. The point to be made is that the special sanction attached to oaths by revealed religion is only an incidental. It is the oath itself, with its immanent sanction, derived from natural law, which is important for Pufendorf's conception of society.

The subject of supreme authority in civil as well as in religious matters has already been broached. Pufendorf has more to say about that, and since Russia at the beginning of Peter's reign may have had two sovereigns, it is necessary to know exactly what Pufendorf thought. From the text just referred to, it may be remembered that Pufendorf saw no reason to "deprive the civil magistrate of the supreme power in religious matters". In fact, he defended the position he had taken by answering possible objections to it in the following terms:

> It may be said that the civil magistrate wants the necessary qualifications for so doing; but what hinders him from delegating his power to or acting by the advice of such as are good judges in this as well as in other things? A sovereign does not perhaps so well know how to pen an act of Parliament as a lawyer; but will anyone say that he has not therefore a power to make laws? In short the influence of churchmen is always very great; and although many or perhaps the major part of them would make no ill use of this, there will always be amongst them some of a busy, factious spirit, and these will if possible engross all the authority of their body. It is therefore absolutely necessary for the peace and security of every state that they be kept under; nor can there be a single

> instance produced from history, where a power independent of the civil magistrate has been long exercised by churchmen without producing infinite mischiefs.[25]

That seems clear enough. It is not necessary that the supreme civil magistrate be a specialist in things religious. He can find such persons in his entourage. What is necessary is to avoid any division of authority. Order in society and the consequent peace and security require that there be only one source of power--the supreme civil magistrate.

In another book, Pufendorf comes back upon this question and makes some enlightening additions. There, he says:

> Every authority by which an entire state is ruled, in any form of government, has this quality, that it is supreme, that is, not dependent in its exercise upon any man as a superior, but operating according to its own judgment and discretion, so that its acts cannot be nullified by any man as a superior. It follows then that the same authority is unaccountable, in other words, not bound to render account to any human being. Connected with this is the fact that the same supreme authority is superior to human and civil laws as such, and thus not directly bound by them. Lastly, the supreme authority has a special sanctity, so that not only is it wrong to resist its legitimate commands but also the citizen must patiently bear with its severity, just as the peevishness of parents is borne by good children. Moreover, the supreme authority in monarchies and aristocracies is in some cases found to be absolute, in other limited. Absolute authority is said to belong to the monarch who can administer it according to his own judgment, not according to the norm of definite and permanent statutes, but as the present exigency seems to demand; who thus provides for the safety of the state of his own discretion, according as circumstances require.[26]

---

[25] Einleitung... trans. J. Sayer. II, 76.

[26] De officio (1927), II, 116.

If authority is really what Pufendorf says it is, it is easy to understand why he should be perturbed by the thought of the Church's having a power independent of that of the supreme civil magistrate. A situation, such as that of Russia at the beginning of Peter's reign, in which a churchman, the Patriarch, could say: "For that reason they will be called to account for the way in which they received my teaching, which is essential to their salvation, be they the most potent tsar...", would introduce a principle of disorder into society. For his power, Pufendorf would say, the Patriarch depends on revealed religion; consequently, he should make no claims to authority "on earth and in heaven". Such statements tend to confuse natural religion and revealed religion.

It might be argued that in the phrase from Patriarch Adrian "the most potent tsar" will be "called to account" in heaven, not on earth and therefore, that Adrian was not claiming any earthly authority by using this expression. Granted that the judgment will take place in heaven and that the Patriarch was not claiming any judicial authority by his expression, it nevertheless, remains true that the Tsar will be called to account for an infraction which took place on earth, viz. his refusal to heed the words of the Patriarch.

In enumerating the duties of rulers, Pufendorf includes a few which help the reader gauge the distance separating the conception of society, espoused by Patriarch Adrian, and that of the German jurist. He says:

> Moreover, inasmuch as the purpose for which men united to form a community was to insure security from injuries inflicted by others, it is the duty of rulers to prevent citizens from injuring each other.
>
> Furthermore, although a single person is not equal to the task of carrying on directly all the business of a large state, so that of necessity ministers must be called to share his cares, nevertheless, just as the latter borrow all their authority from the ruler, so the responsibility for their doings, both good and bad, still remains his in the end...
>
> Moreover, the soundness and internal strength of states is brought about by the union of the citizens and the more carefully the latter is maintained, the greater is the effectiveness with which the power of the authority is distributed through the whole body of the state. Therefore, it is incumbent upon rulers to see to it that factions do not arise in the state; that some citizens are not linked together by special compacts; and that they are not all, or part of them, on whatever pretext, sacred or profane, more dependent on any other man, whether within or without the state, than upon their lawful prince; and that they do not imagine that more protection for themselves is found in any one than in him.[27]

From this it is easy enough for anyone to see an inevitable conflict between a monarch who shared Pufendorf's opinions and any ecclesiastical dignitary who claimed to have some authority which he did not derive from the supreme civil magistrate.

What does all this mean in terms of the place of the Church in society? It means simply that unless the Church is willing to consider itself one of the means by which the monarch guides his country and his people toward the common good, there is no place for the Church. It means, also, that the Church is to have a very subdued role in society, doing those jobs which the monarch sees fit to delegate to it. Pufendorf says all this and more when he writes:

---

[27] De officio (1927), II, 122-124.

> We may justly conclude that if any error or abuse has crept into the Church, which overthrows or diminishes the rights of the civil power, the civil power may lawfully correct or reform such abuses by virtue of the natural liberty it enjoys in the most eminent manner and which gives it the right by its own authority to remove whatever is prejudicial to it; although it is advisable to inform the people fully both of the abuses and of the rights of the civil magistrate to reform them, that such reformation may give no offense.[28]

Thus, should the absolute power of the monarch at any time be diminished by any encroachment of the "spiritual authority", the civil power could put an end to such a disorder "by virtue of the natural liberty it enjoys in the most eminent manner and which gives it the right by its own authority to remove whatever is prejudicial to it".

In summary, Pufendorf distinguishes between natural and revealed religion. Natural religion has a role in society but revealed religion has, at best, an accidental role in anything which is not directly linked to the salvation of souls. Natural religion and human reason call for a unique, supreme authority, which is vested in the civil magistrate. He derives his authority from God through the intermediary of human reason and natural law. His authority is unlimited by human or civil law. The Church? It is one of the agencies by means of which the civil magistrate pursues the common good. He has the right to reform any abuses which crop up in the Church.

---

[28] De habitu... (Bremen, 1692), pp. 254-255. Translation by the writer.

What would happen if a monarch were to adopt the position of Pufendorf with regard to religion and the Church while reigning in a country where Patriarch Adrian had his see and spoke in the name of the Church? History presented just that case in 1696, when Peter the Great became Tsar and Autocrat of Russia.

Section III- The Acquaintance of Peter the Great with the Ideas of Samuel Pufendorf.

The exact date of the beginning of Peter's acquaintance with the ideas of Pufendorf cannot be fixed. The bibliographical research of Pekarskii[29] has revealed that in the first years of the eighteenth century, there were Russian translations of three of Pufendorf's works: *De jure naturae et gentium*,[30] *Einleitung zu der Historie der vornehmsten*

---

[29] P. P. Pekarskii, *Nauka i literatura v Rossi pri Petre Velikom* [Science and Literature in Russia at the Time of Peter the Great] (St. Petersburg, 1862), I, 255-257.

[30] S. Pufendorf, *De jure naturae et gentium libri VIII* [On the Law of Nature and of Nations: Eight Books] (Lund, 1672). Pekarskii notes that only books 2, 3, 6 and 7 were translated.

Staaten in Europa,[31] and De statu Imperii Germanici.[32] All three of them were manuscript translations in the library of Prince Dmitrii Golitsyn. This Prince Golitsyn was one of the original group of noblemen sent to study abroad by Peter, in 1697. Later, Peter made the prince one of his senators.[33] Peter might have become interested in the writings of Pufendorf before 1700, through the translations possessed by Prince Golitsyn, but there is no direct evidence of this. An article in a nineteenth century Russian periodical says that Peter was acquainted with Pufendorf's doctrines from the very beginning of his reign, but the evidence on which it rests could not be checked by the writer.[34]

It is certain, however, that sometime before April 22, 1703, Peter was well acquainted with at least two of Pufendorf's works, the two from which most of the texts in the preceding section were selected. An instruction [nakaz], dated April 22, 1703, outlines the course of studies to be pursued by Peter's twelve-year-old son, the tsarevich Aleksei. The future Tsar and Autocrat must translate the De officio hominis et civis into French and read daily from the

---

[31] S. Pufendorf, Einleitung zu der Historie der vornehmsten Staaten in Europa (Frankfort a/d Main, 1682-1686).

[32] Severinus de Monzambano [pseud.] , De statu Imperii Germanici [On the State of the Germanic Empire] (The Hague, 1667).

[33] Pekarskii, op. cit., pp. 257-259.

[34] Vide Drevniaia i Novaia Rossiia [Old and New Russia], (October, 1879), pp. 22-26.

Einleitung zu der Historie.[35] That the Tsar's choice of the works of Pufendorf was not a passing fancy can be deduced from the fact which follows. In the academic year 1705-1706, Peter assigned a new tutor to his son. On that occasion, the program of studies was revised. According to Golikov, Peter himself selected the authors to be studied and the two works of Pufendorf were again featured.[36] Details such as these do not prove beyond doubt that Peter was under the influence of Pufendorf's ideas, but they furnish a date (1703) and indicate a degree of familiarity with the contents of the books named. Otherwise, how could one explain the choice of those particular books out of the thousands of volumes which were in the Tsar's library even at this early date?[37]

There is no way of knowing just how well acquainted Peter was with the ideas of Pufendorf in 1703. Sometime before 1714, however, the Tsar must have ordered Pufendorf's Einleitung to be translated into Russian, because in that year, the translator, Gabriel Buzhinskii, submitted his text to Peter, with an excuse for his having departed from the style of the author in the section dealing with the spiritual monarchy of the Pope. (The texts quoted in the preceding section of this chapter are taken from that part of the book.) The Tsar ignored the remark and said instead: "Fool, what did I order you to do with this book?" "To translate it," answered Buzhinskii. "Do you call it translating," glared the Tsar, pointing to the section of Pufendorf's work which was particularly hard on the national pride of the Russians, "to have eliminated this part?" The translator said nothing. "Go, right away," added Peter, "and do what I ordered you to do and translate the book in all its parts, just as the author wrote it."[38] A conversation such as that is indubitable proof that before 1714, Peter had an intimate knowledge of the Einleitung.

---

[35] A comment on the occurrence and the text of the nakaz are found in N. G. Ustrialov, Istoriia tsarstvovaniia Petra Velikago [History of the Reign of Peter the Great] (St. Petersburg, 1858-1863), VI, 298-304.

[36] P. V. Golikov, Dopolneniia k Deianiiam Petra Velikago [Supplement to the Deeds of Peter the Great] (Moscow, 1790-1797), VII, 159.

[37] The complete catalogue of Peter's library has been published: A. S. Lappo-Danilovskii, Pëtr Velikii, osnovatel' Imper. Akademii Nauk [Peter the Great, Founder of the Imperial Academy of Sciences] (St. Petersburg, 1894).

In the introduction to his translation, Buzhinskii says that Peter was in the habit of calling himself the "Russian Pufendorf".[39] This may have been a jest. One is nevertheless surprised. Why should Peter honor an obscure professor of law in this way? Why not call himself the "Russian Caesar" or the "Russian Louis XIV"? Those are idle questions, because the documents give no answers.

---

[38] Pekarskii, op. cit., I, 324-326.

[39] G. Buzhinskii, Vvedenie v gistoriiu evropeiskiiu Samuila Puffendorfia na nemetskom iazyke izlozhennoe [Introduction to the History of Europe of Samuel Pufendorf Composed in the German Language] (St. Petersburg, 1718), p. 7. Also quoted in B. I. Syromiatnikov, Reguliarnoe gosudarstvo Petra Pervogo i ego ideologiia [The Regulatory State of Peter the First and Its Ideology] (Moscow-Leningrad, 1943), I, 150.

How well did Peter know the contents of the De officio and the De habitu? It has already been seen that Peter had some acquaintance with the De officio by 1703. The writer attaches some importance to that date, because in 1706, Peter first met Feofan Prokopovich, one of the most faithful disciples of Pufendorf.[40] For the last nineteen years of Peter's life, there would rarely be a moment when he would be separated from Prokopovich.[41] Already in 1711, the advice of Prokopovich on problems of law, propaganda and Church-State relations was so indispensable to the Tsar that he was taken along on the campaign against the Turks in the southern Ukraine.[42]

Who was Prokopovich, that Peter should put such a price on his advice? A whole volume of essays has been written about him by I. Chistovich.[43] These were read in the Academy of Sciences in 1868, and reference will be made to them in subsequent chapters. For the present, it is sufficient to know that Feofan Prokopovich was very probably the most learned man in Peter's Russia. He had received his education in

---

[40] Pekarskii, op. cit., I, 483-484.

[41] Ibid., I, 214-216.

[42] Pokhodnyi zhurnal--1711 g. [Campaign Journal of the Year 1711] (St. Petersburg, 1854), pp. 107-108.

[43] I. Chistovich, Feofan Prokopovich i ego vremia [Feofan Prokopovich and His Time] (St. Petersburg, 1868).

Poland and Italy. In 1706, when Peter first met him, he was rector of the Academy of Kiev, about which more will be said in the chapter concerning the Church as an educational institution. The Tsar had him promoted to the episcopal see of Pskov, then to the rank of Archbishop of Novgorod. Feofan was one of the original members of the Most Holy Governing Synod, which became the legal successor to the Patriarch of Moscow, in 1721. He wrote the first draft of the Spiritual Regulation in 1718. When Peter died, in 1725, Prokopovich pronounced his panegyric.[44]

More important for the purposes of this study than the high posts he held in the Church and in the government, is the fact that from 1706 on, Prokopovich acted as an intermediary between the ideas of Pufendorf and the thinking of Peter the Great. This introduces another aspect to the study of the influence of Pufendorf on the Church reforms of Peter: the indirect influence, the absorption of ideas not only from the original source, but from Prokopovich. That Feofan was a disciple of Pufendorf has been recognized for some time.

---

[44] Details of Prokopovich's career will appear in subsequent chapters. For the panegyric, *vide* T. Consett, *The Present State and Regulations of the Church of Russia Established by the Late Tsar's Royal Edict. Also a Second Volume: A Collection of Several Tracts Relating to His Fleets, Expedition to Derbent, etc.* (London, 1729), II, 288-336. The edition consulted by the writer had both volumes bound together with the second volume beginning at page 202.

Special studies have looked into the problem. Temnikovskii has taken up the subject twice.[45] Golubinskii has mentioned it in one of his posthumous works.[46] Gurvich has referred to it.[47] In the writer's opinion, Verkhovskoi has done the best work on the topic.[48] This list of authors more than outweighs Gierke's silence, mentioned earlier,[49] concerning the influence of Pufendorf on Prokopovich. That influence can be shown more directly yet. Feofan had in his library all of the works of Pufendorf in the original languages.[50] A key work, such as the *De officio*, was represented by no less than three copies.[51] To give these items of bibliophilism their full weight today, one must remember that in the early eighteenth century, books were rare and expensive.

---

[45] E. N. Temnikovskii, *Odin iz istochnikov Dukhovnogo Reglamenta* [One of the Sources of the Spiritual Regulation] (Kharkov, 1909), pp. 5 *et seg*. By the same author, *Polozhenie Imperatora vserossiiskago v russkoi pravoslavnoi Tserkvi v sviazi s obshchim ucheniem o tserkovnoi vlasti* [The Status of the All-Russian Emperor in the Russian Orthodox Church in Relation to the General Theory of Ecclesiastical Power] (Iaroslavl', 1909), pp. 19-25.

[46] E. E. Golubinskii, *O reforme v byte Russkoi Tserkvi* [On Reform in the Life of the Russian Church] (Moscow, 1913), pp. 58-86.

[47] G. Gurvich, *Pravda voli monarshei Feofana Prokopovicha i eia zapadno-evropeiskie istochniki* [The Justice of the Will of Monarchs of Feofan Prokopovich and Its West European Sources] (Dorpat, 1915), pp. 50, 70, 83-98, 106-110.

[48] P. V. Verkhovskoi, *Uchrezhdenie dukhovnoi kollegii i Dukhovnyi Reglament* [The Establishment of the Spiritual College and the Spiritual Regulation] (Rostov-on-the-Don, 1916), I, 326-338.

[49] *Supra*, p. 23.

[50] Verkhovskoi, *op. cit*., II, Part V, pp. 23, 27, 28, 31, 39, 40-43, 52.

[51] *Ibid*., I, 124.

Examples of the intermediary role which Prokopovich played between the ideas of Pufendorf and the actions and laws of Peter the Great can be easily found. Feofan made the first draft of the Spiritual Regulation in 1718.[52] The dependence of this ecclesiastical constitution upon the teachings of Pufendorf has already been noted by Temnikovskii and Verkhovskoi. In the critical edition of the Regulation, which Verkhovskoi has published, the notes made by Peter in the margins, his additions and the system of crosses he used to focus attention on certain passages have all been indicated. With all this scholarly apparatus at one's disposal, it is possible to say two things: (1) Peter thoroughly approved of the strong drafts of Pufendorf's teachings with which Prokopovich laced his work, and (2) Peter was not totally dependent on Prokopovich for his knowledge of Pufendorf. The second point will be amply demonstrated later on. For the moment, let it suffice to say that Peter had whole articles of the original draft of the Spiritual Regulation rewritten to bring them more in line with Pufendorf's suggestions, when he judged that Feofan had made too many concessions to the order existing in Russia.[53]

---

[52] F. Prokopovich, Pis'ma [Letters] (Moscow, 1776), p. 28.

[53] Verkhovskoi, op. cit., II, Part I, pp. 12-76. Passim.

Another example of the intermediary role played by Prokopovich is found in the Pravda voli monarshei.[54] Although there is no critical edition of this work, the study which Gurvich has devoted to it makes it possible for the writer to consider this pamphlet of Prokopovich as an expression of Peter's thought as well. The writer bases this opinion on the fact that Peter had the Pravda voli monarshei read into the laws of the Empire.[55] The Tsar himself supervised its distribution, and his orders for new editions were registered as laws. To be certain it would reach the ears of all his subjects, the majority of whom were illiterate, he issued a special ukase requiring all the churches and monastery chapels where the faithful attended liturgical services, to have the booklet read aloud every Sunday and holy day. To assure compliance with this edict, an edition divided into sections suitable for this kind of public reading was printed.[56] The influence of Pufendorf on the Pravda voli monarshei is so visible that it was considered a fitting subject for a dissertation, in 1915, at the University of Dorpat.[57]

---

[54] Ibid., I, 130-141.

[55] Polnoe sobranie zakonov Rossiiskoi Imperii s 1649g. [Complete Collection of the Laws of the Russian Empire from 1649] (St. Petersburg, 1830-1916), VII, 618 et seg., No. 4870.

[56] Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda [Description of the Documents and Cases Preserved in the Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917), II, 154, 642-644.

[57] Gurvich, op. cit.

It is necessary to understand the intermediary role of Prokopovich to give their full value to items such as the following: in the section of the Spiritual Regulation which deals with seminaries, one may read: "For the sixth year, the text to be used is Pufendorf's Abbreviated Politics".[58] This referred to the De officio, a summary made by Pufendorf himself, of his great treatise, De jure naturae et gentium. Peter had already imposed the De officio on his own son in 1703. Here is the same book being prescribed for the seminarians of the Russian Orthodox Church in a document drafted by Prokopovich. Peter made no corrections on that article, which means that he and his advisor, Prokopovich, saw eye to eye on a thing which Peter already held, three years before meeting Feofan, viz. the educational value of Pufendorf's De officio.

The seminarians who were the object of the Tsar's attention in the Spiritual Regulation should have been able to use the De officio in the original as a textbook, since they had been taught Latin in the early years of their seminary life.[59] Nevertheless, on November 19, 1721, some eleven months after the publication of the Spiritual Regulation (January 25, 1721), Peter ordered the Holy Synod to have the book translated into Russian.[60] This translation went on sale in 1724, and its readers were presumably the literate Russians who were not in seminaries.[61]

---

[58] Verkhovskoi, op. cit., II, Part I, 57.

[59] Verkhovskoi, op. cit., II, Part I, 53-54.

This detail is stressed because it bears out the contention that the influence of Pufendorf did not stop with Prokopovich, but was passed on to Peter the Great. A bevy of laws, such as those just mentioned, points to a determination on the Tsar's part to get something done--in this case to spread the doctrine contained in the De officio, as widely as possible among those of his subjects who might be open to ideas which were not consonant with Russia's "ancient faith".

Meanwhile, the manuscript edition of the Russian translation of the De jure naturae et gentium, owned by Prince Golitsyn, had been supplemented by an official, printed work. A note from the Tsar to the Synod, dated August 22-24, 1722, ordered that Simon Kokhanovskii be given a sum of money for having completed the translation of Pufendorf's most ambitious work.[62]

---

[60] Polnoe sobranie postanovlenii i razporiazhenii po vedomstvu pravoslavnago ispovedaniia Rossiiskoi Imperii [Complete Collection of the Resolutions and Decrees of the Department of Orthodox Confession of the Russian Empire] (St. Petersburg, 1872-1917), IV, Nos. 1440, 1443.

[61] N. A. Voskresenskii (ed.), Zakonodatel'nye akty Petra I [Legislative Acts of Peter I] (Moscow-Leningrad, 1945), I, 148.

[62] Opisanie dokumentov... II, 152-153.

Thus, in the writer's opinion, it can safely be said that Peter the Great had more than a passing acquaintance with the ideas of Pufendorf. As early as 1703, he showed that he knew something of the *Einleitung* and the *De officio*. From 1706 to 1725, Peter's direct knowledge of Pufendorf's teachings was supplemented by the advice of Feofan Prokopovich, who was an acknowledged disciple of Pufendorf and Peter's constant consultant on Church-State affairs. Moreover, Peter gave indications of trying to disseminate Pufendorf's ideas among the seminarians and the literate portion of his subjects, by ordering translations of his works. Last, but not least, Peter the Great was in the habit of calling himself the "Russian Pufendorf".

The writer also believes that the other works of Pufendorf, such as the *De habitu religionis*, influenced Peter's Church reforms, but that their influence was channeled through Prokopovich and that it will have to be ferreted out by the comparative techniques used in the subsequent chapters.

To guide the reader through the maze of laws, decrees, edicts, manifestoes and regulations which were the means chosen by Peter the Great to bring about his Church reforms, a brief chronological sketch is furnished at this point.

Section IV- Brief Chronological Sketch of Peter's Church Reforms.

For the purposes of this study the following dates are important: 1690 Adrian becomes tenth Patriarch of Moscow. In the Circular Letter which he addresses to the Russian hierarchy on that occasion, he propounds the theory of the dual sovereignty.

1696 Peter becomes sole Tsar and Autocrat of Russia.

1697 An "Instruction" from Patriarch Adrian reveals the status of the Church at the moment when Peter's Church reforms are about to begin.

1698 Peter goes to Europe and sees monarchies operating along the lines described by Pufendorf.

1700 A Codification Commission is empanelled to bring the Code of 1649 up to date. The Patriarch asks that the Statute of Vladimir be respected in any new legislation. On a visit to the ailing Patriarch, Peter delivers a speech in which he describes the ignorance of the clergy and the shortcomings of the Church's educational system. In October, the Patriarch dies, while Peter is suffering the defeat of Narva. The Tsar decides to leave the patriarchal see vacant for the time being.

1701 Stepan Iavorskii is named caretaker of the patriarchal see and retains the liturgical and doctrinal powers of the Patriarch. The judicial, economic and welfare activities which the Patriarch had carried on are given over to the revived Monastery Department. It becomes the executive agency of the Tsar's will in ecclesiastical affairs.

1702 In a Manifesto to all the large European cities, Peter proclaims that religious freedom exists in Russia.

1703 Peter shows that he knows at least two of Pufendorf's works, the Einleitung and the De officio, when he draws up the program of studies for the tsarevich, Aleksei.

1706 Peter meets Feofan Prokopovich and selects him as his adviser in matters of law, Church affairs and propaganda. Feofan is a disciple of Pufendorf. From this time on, Peter may derive guidance from Pufendorf's works by reading them himself, or by means of the advice of Prokopovich.

1708 Revolt of the Don Cossacks. Peter applies the criminal law of the realm to the clerics involved.

1709 Victory of Poltava.

1711 The Senate is established as the supreme judicial organ in Russia.

1714 The translator of Pufendorf's Einleitung says that Peter was in the habit of calling himself the "Russian Pufendorf".

1715 The Russian hierarchy becomes responsible for the care of all orphans and bastards.

1716 The Military Code proclaims the absolute character of Peter's rule by saying that he is not responsible to any man. This is the legal end of any dual sovereignty idea. Peter administers an oath of fidelity to himself to all new bishops.

1718 Peter establishes the collegial system of administration and announces that it will be extended to the Church in the form of a Spiritual College. He also treats the caretaker of the patriarchal see like a naughty schoolboy.

1721 The Spiritual Regulation is promulgated. This is a new Church constitution. It replaces the Patriarch and the caretaker of the see by the Spiritual College. It also codifies the legislation of the previous twenty years. The Monastery Department is dissolved and its functions revert to the new head of the Russian Church, the Spiritual College. Feofan Prokopovich drafts the Regulation and Peter annotates and corrects it. The ecclesiastical hierarchy and the senators subscribe. Pufendorf's *De officio* is a prescribed textbook in the seminaries. The Peace of Nystadt confirms Peter's definitive victory over the Swedes and leaves him as the arbiter of Northern and Eastern Europe.

1722 The Spiritual College gets a high procurator who is to be the "Tsar's eye in ecclesiastical affairs". The Spiritual College is renamed the Most Holy Governing Synod. The Monastery Department reappears as an agency of the Synod. The pamphlets of Feofan Prokopovich feed Pufendorf's ideas into the sermons of the clergy. The new catechism gives a religious aura to Peter's political doctrines, which are in great part Pufendorf's.

1723 The Pravda voli monarshei of Prokopovich summarizes and codifies the work done by the pamphlets. Peter has the Pravda read into the laws of the Empire, thereby, incorporating the teachings of Pufendorf "forever" in the Russian political system. This order of things will obtain until 1917.

1724 The edict on monasteries finally transforms them into hospitals for the sick, aged and retired soldiers, as well as refuges for orphans and beggars. The nuns and monks are henceforth, primarily, nurses and hospital attendants.

1725 Peter dies. The Church reforms live on in the laws and institutions he established.

* * *

Chapter II-The Privileges and Immunities of Ecclesiastical Persons

From what the sources reveal, one must admit that no precise date can be fixed for the beginning of Peter's Church reforms. It seems highly probable that the reform movement got under way gradually. As the year 1700 neared, the failing health of Patriarch Adrian made him less and less of a protector of the privileges and immunities of ecclesiastical persons. On the other hand, Peter the Great was nearing thirty. Boiling over with the ideas he had picked up during his European voyage, he was about ready to make a decisive move in the area of Church-State relations. That move was the decision to prevent the nomination of a successor for Patriarch Adrian, when the old proponent of Byzantine dualism died, on October 16, 1700. The vacancy of the patriarchal see was the single, most striking sign of the changes being effected in the Church.

There had been vacancies of the patriarchal throne in the seventeenth century, but these had always occurred in times of crisis, when the election of a Patriarch, for some reason or other, had become impossible. The gap between Hermogen and Filaret, from 1612 to 1619, coincided with the foreign occupation of the capital and of much of the country during the Time of Troubles. There had been a second vacancy between 1660 and 1667, when Nikon had abandoned the see. This had been an unprecedented action and no one had known what to do until the Council of 1667 had deposed Nikon and elected a new Patriarch. The situation in 1700 was entirely different. Instead of the indecisiveness which had characterized the former vacancies of the see, the Tsar, Peter the Great, took definite measures to prolong the vacancy. On December 16, 1700, he had a law enacted which appointed a "caretaker and administrator of the patriarchal see".[1] This law left the door open for a resumption of the succession of Patriarchs, but viewed in retrospect, it must be considered a turning point in Russian Church-State relations.

For those reasons, this chapter and the subsequent chapters consider the years before 1700 as the "beginning of Peter's reign".

Section I- Meaning of "Ecclesiastical Persons" in Russia, in 1700.

Who was an ecclesiastical person in Russia, in 1700, and what did it mean to be so considered? At the beginning of the reign of Peter the Great, the Russian Church had a definition of its subjects which harked back to the tenth or eleventh century. A few changes had been made in this venerable definition to adapt it to the changing conditions of medieval Russia, but substantially, it remained unaltered.

---

[1] Polnoe sobranie zakonov Rossiiskoi Imperii s 1649 g. [Complete Collection of the Laws of the Russian Empire from 1649] (St. Petersburg, 1830-1916), IV, 87-88, No. 1818.

This was still true in 1700, because Patriarch Adrian said he wished to have the *Ustav* [Statute] of Vladimir respected by any new legislation which might come out of the codification commission then in session.[2]

What did Vladimir have to say about ecclesiastical persons? The Statute contained the following definition:

> Now these are the persons who belong to the Church: the stewards of their estates, the priests, deacons and their children, the wife of a priest and the whole body of clerics; moreover, the monk, the nun, the woman who bakes the holy bread, the cloistered pilgrim, the physician, the man who by a holy miracle is restored to health, the blind and the lame, especially the monasteries, the hospitals and the establishments for the care of guests [merchants] and strangers. All these are the people who, for God's sake, belong to the Church.[3]

The only significant addition made to this definition of ecclesiastical persons between the eleventh century and the end of the seventeenth concerned Church peasants. The phrase "stewards of their estates" had been stretched so as to cover the persons who tilled the lands of the Church or worked for the Church in some other capacity.[4] Since it was closely linked to land tenure and serf holding, the growth in number of ecclesiastical persons had economic consequences. As such, it will be studied in the chapter on the Church as an economic institution. For the moment, all one need remember is that a significant number of persons, who are not considered today as having any particular tie with the Church, were nevertheless counted among the ecclesiastical persons at the beginning of Peter's reign.

---

[2] A. Rodoskii, *Opisanie 432 rukopisei prinadlezhaiushchikh S.-Petersburgskoi Dukhovnoi Akademii* [Description of 432 Manuscripts Belonging to the St. Petersburg Ecclesiastical Academy] (St. Petersburg, 1894), pp. 163-168, No. 131.

[3] *Pamiatniki Russkogo Prava* [Memorials of Russian Law] (Moscow, 1952-1956), I, 235-254. A number of versions and variants of the Statute are presented in this critical edition.

[4] This can be concluded from the *Instruction* of Patriarch Adrian, dated December 26, 1697, in *Polnoe sobranie zakonov...* [Complete Collection of Laws] ... III, 413-425, No. 1612.

That the enumeration of ecclesiastical persons contained in the Statute of Vladimir still had force of law at the end of the seventeenth century can be deduced from the fact that the State and the Church, both, referred to it in the latter half of the seventeenth century. In 1657, and again in 1670, Peter's father, Aleksei Mikhailovich, used the phrases of Vladimir's Statute to define the subjects of the Church.[5] The Councils of the Russian Church in 1667, 1675 and 1681 also used the terms of Vladimir.[6] A search into the documents of seventeenth-century Russian legislation has turned up one instance in which the definition of ecclesiastical persons had not held. A law of 1672 subjected *patriarchal persons*, i.e. persons of the Patriarch's household, to the *Pomestnyi Prikaz* [Department of Estates] in certain civil actions.[7] There may be other such exceptions, but the writer is convinced that the evidence for the integrity of the definition far outweighs any occasional derogations.

---

[5] *Polnoe sobranie zakonov*... I, 419-421, No. 201; *Akty istoricheskie, sobrannye i izdannye Arkheograficheskoiu Komissieiu* [Historical Acts, Collected and Published by the Archeographical Commission] (St. Petersburg, 1841-1844), IV, No. 215.

[6] Council of 1667: *Dopolneniia k aktam istoricheskim, sobrannye i izdannye Arkheograficheskoiu Komissieiu* [Supplements to the Historical Acts, Collected and Published by the Archeographical Commission] (St. Petersburg, 1846-1850), VI, No. 102.
Council of 1675: *Akty istoricheskie*,.. V, No. 73.
Council of 1681: *Akty, sobrannye v bibliotekakh i arkhivakh Rossiiskoi Imperii arkheograficheskoiu ekspeditsieiu imp. Akademii Nauk* [Acts, Collected in the Libraries and Archives of the Russian Empire by the Archeographical Expedition of the Imperial Academy of Sciences] (St. Petersburg, 1836), IV, No. 204.

The first and most important, if less numerous, group of ecclesiastical persons, at the beginning of Peter's reign, was certainly the hierarchy of the Russian Orthodox Church. How did one become a member of the hierarchy? A report, preserved in the archives of the Holy Synod, contrasts the procedure used to elect a bishop in 1676, under Patriarch Ioakim (1674-1690), predecessor of Adrian, with the method used under the Synod's administration.[8] The document is entitled *Law on the Choice of Bishops*. Its purpose is to point out the alterations in usage, which had been necessitated by the replacement of the Patriarch by the Holy Synod. If any change of procedure had taken place between 1676, date of the document, and 1700, date of the death of the last Patriarch before 1917, this document would not have been a true reflection of the old order of things. Therefore, the writer accepts the Law on the Choice of Bishops as capable of answering the question: How did one become a member of the hierarchy?

---

[7] *Polnoe sobranie zakonov*... I, 869-870, No. 505.

[8] *Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda* [Description of the Documents and Cases Preserved in the Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917), I, 680-689. Report dated October 22, 1721.

When an episcopal see is vacant (one may read in the report), the Patriarch summons to Moscow his subordinate bishops. All those who are close enough to the capital to come, are bound to do so by the promise they made at their consecration. Those whose sees are too distant or who are held back by urgent affairs, must send to the Patriarch the reasons for their absence and excuse themselves in writing to the assembly of their brethren. The letter must also contain the name of the person they wish to see occupy the vacant see. At the assembly, in the Patriarch's palace, the bishops indicate their candidates. The oldest bishop speaks first and nominates a man (monk) from his own diocese, who, in his opinion, is worthy of the office. It may be mentioned in passing, that only the bishops and a trusted patriarchal clerk are present during these deliberations. From all the names suggested in this way, the three "most worthy" are selected and written in a sealed communication, which the clerk takes to the Patriarch. After "praying tearfully", the Patriarch breaks the seal and chooses one of the three names.

The next day, or on a day set by mutual agreement, the Patriarch accompanies the college of bishops to the Tsar's palace and tells him the name of the chosen candidate. The Tsar confirms the election and gives orders for the publication of the results of the election. The church bells then summon the people to the consecration of the new bishop. The most solemn rite of the consecratory ceremony (which takes place in the Assumption Cathedral, within the Kremlin) is the imposition of the Patriarch's hands on the head of the new bishop, symbolizing the transmission of spiritual power. The Tsar, meanwhile, assists at the consecration from his throne, erected on the right of the Patriarch's. As a further symbol of the authority vested in him by his consecration, the new bishop was led on a horse around the Kremlin on the first day, around the Chinese Suburb on the second day, around the White City on the third day. These ever widening circuits were supposed to indicate the scope of his personal authority and the ties which bound it to the center of the Russian Church within the Kremlin.

Time and space have been devoted to this description because these rites and ceremonies were the exteriorization of the relations which existed between the hierarchy of the Church and the Russian Tsar and Autocrat. Particularly interesting is the small part played by the Tsar in all these proceedings. He was expected to confirm the election made by the Patriarch from the three candidates brought forward by the assembly of bishops. Then he assisted at the consecration of the new bishop.[9]

The order of the election of bishops must not have changed much before 1718, because in that year Peter complained to the "caretaker of the patriarchal see", Stepan Iavorskii, that more care should be taken in selecting future bishops, so there would be no more sorry examples like those of Tambov and Rostov.[10] The writer takes this to be a clear admission that the Tsar himself had not selected the bishops of Tambov and Rostov, else there would be no point to his complaint to the caretaker of the patriarchal see.

When the time came to elect a Patriarch, however, the role of the Tsar was more important. From the three names submitted by the assembly of the bishops, the Tsar chose one and presented this candidate to the Patriarchs of the Eastern Orthodox Churches, who had come to Moscow for the event. They consecrated the new Russian Patriarch. This order of election had been instituted in 1589, when Job, the first Patriarch of Moscow, had been elected and it had been set down by Jeremiah II, the Patriarch of Constantinople (1572-1579) (1580-1584) (1586-1595). The first sentence of the document which Jeremiah drew up underscored the decisive role which devolved upon the Tsar in the nomination of the

---

[9] Chin izbranniia i rukopolozheniia arkhiereiskaia [Order of Election and Consecration of a Bishop] (St. Petersburg, 1725), passim.

[10] Polnoe sobranie zakonov... V, 595, No. 3239.

Russian Patriarch. It was said there:

> Whomsoever the Tsar desires to be Patriarch he shall send two persons to his cell to inform him that the Tsar and the Patriarch wish to nominate him; they should do this privately.[11]

In short, one might say that a clergyman was raised to the rank of bishop by his being chosen and consecrated by those who already possessed authority in the Church. The Tsar confirmed the choice and assisted at the consecration. In the case of the Patriarch of Moscow, however, the Tsar selected the person to be invested with the supreme ecclesiastical dignity.

The election and consecration of a Church dignitary was considered the source of his authority and the basis for the privileges and immunities which he enjoyed.

What about the other ecclesiastical persons enumerated in the Statute of Vladimir? They were thought to share in the authority, privileges and immunities of the hierarchs according to the degree of their proximity to the person of the bishop, archbishop, metropolitan or Patriarch to whom they were attached. The writer bases this opinion on the evidence which will be submitted in the following chapter: the Church as a judicial institution.

---

[11] Sobranie gosudarstvennykh gramot i dogovorov, khraniashchikhsia v gosudarstvennoi kollegii inostrannykh del' [Collection of the State Treaties and Charters, Preserved in the State College of Foreign Affairs] (Moscow, 1813-1828), II, No. 59.

What privileges and immunities were attached to the title "ecclesiastical person"? First of all, there was a general immunity from the laws of the realm: an ecclesiastical person was subject to the laws of the Church. There were also specific exemptions: in time of war, the ecclesiastical person was excused from military service, and in time of peace, he was not held to pay the taxes levied by the Tsar. The Statute of Vladimir had so ordained and, by and large, his will had been respected up to the beginning of the reign of Peter the Great. There were a few exceptions to the immunity from taxes, especially in times of distress, but these will be taken up in detail in the chapter on the Church as an economic institution.

Vladimir, the first Christian prince of Kiev, had written in his Statute:

> Accordingly, neither shall my children, nor grandchildren, nor my latest descendants either cite before their tribunals ecclesiastical persons, or usurp that judicial power which has been conceded to the Church, for this belongs exclusively to her according to my grant and is given by Us in all towns, districts and circles, in all communities adjoining towns, and in all villages; I have commanded my judges and officers to do no injury to the jurisdiction of the Church, and to meddle with no cases belonging to her office, without consulting with the episcopal representative or deputy.[12]

As for taxes, the pious old prince had not only refused to levy any on the ecclesiastical persons in his realm, but had even made them the beneficiaries of the revenue raised in this way. He had said:

---

[12] Pamiatniki... I, 235-254.

> Some years after that, I built to the honor of the Holy Mother of God, the church called the Church of the Tenths and I endowed this church as the cathedral, with the right of receiving tithes from the whole country of the Russians, so far as my dominion extends, with the proviso, that to this house of the Saviour and of His Holy Mother belongs the tenth part of the judicial fines in the districts of the princedom, and from the commercial imposts the produce of the tenth week; moreover, from every house and family, from cattle and reaped corn the tenth part must be paid.[13]

With regard to military duty, the old prince had not spoken. The thought of having "men of God" engaged in the slaying of their brethren was probably too monstrous for him to entertain.

Thus, the Church had its own subjects--the ecclesiastical persons. This is not an overstatement, for the ecclesiastical persons were immune from the ordinary duties of citizens: military service and the payment of taxes. The Church had a self-perpetuating hierarchy and the Tsar's role was reduced to practically nothing in the election of the members of the hierarchy. There was, however, one flaw in the armor of the Church: the Tsar chose the Patriarch. By refusing to name a successor to Adrian, in 1700, Peter would be able to bring about his Church reforms and change forever a system of privileges and immunities which had existed for some seven centuries.

---

[13] *Ibid.*

Section II-*Pufendorf Proscribes All Privileges and Immunities*.

The system of privileges and immunities, described in the previous section and dating back to Vladimir, the first Christian prince of Kiev, had allowed the Russian Church to become a state within the State. Pufendorf may have had some knowledge of this state of things, but since he does not mention it explicitly, recourse must be had to his general teachings on the subject of privileges and immunities. The broadest statement he made in this field is contained in the enumeration of the duties of rulers, and it goes as follows:

> Since citizens are not bound to bear tributes and other burdens, except insofar as they are necessary to meet the expenses of the state in peace and war, it will therefore be the duty of rulers in this connection not to exact more than the necessities or conspicuous advantage of the state require, and so far as possible, to regulate the burdens so that the citizens will be injured as little as possible by them. *Also the burdens must be distributed in due proportion, and no immunities conceded to some citizens, to the loss and oppression of the rest.*[14]

Thus, as far as immunity from taxes is concerned, Pufendorf would like to see ecclesiastical persons treated as ordinary citizens. He construes any exemption granted to any person as a "loss and oppression of the rest".

---

[14] S. Pufendorf, *De officio hominis et civis secundum legem naturalem libri II* [*On the Duty of Man and Citizen According to Natural Law: Two Books*] (Lund, 1673). This work has been reproduced and translated under the title *De officio hominis et civis juxta legem naturalem libri duo* (New York, 1927), in the series *Classics of International Law*. Volume One contains the Latin text of the 1682 edition (photostat), and Volume Two a translation by F. G. Moore. The 1927 edition is henceforth cited as *De officio* (1927). II, 123. Italics added.

At the beginning of Peter's reign, the ecclesiastical persons did not only enjoy tax privileges; they were independent from the civil authority in large measure, for everything which concerned their career in the Church. The role of the Tsar in ecclesiastical appointments and promotions was quite restricted, except in the case of the Patriarch. On that subject, the teaching of Pufendorf was the following:

> The right of appointing ministers of the Church does not belong to the prince in the same manner as the right of making magistrates and other officers for public posts in the state... But it is incumbent upon the supreme civil magistrate to take care that weak or wicked men do not come into this office by bribery or other indirect practices... Hence, the supreme civil magistrate has a right to preside over these elections and to enquire into the characters of those who are to be chosen into this holy office, whether they have sufficient learning and are apt to teach. And because ministers may be negligent of their duty and discharge it lackadaisically, it is the office of the supreme civil magistrate to appoint persons to inspect into their behavior, to reprove and correct them when they do amiss. And since these inspectors are men subject to failings, they must be called to account before the prince. Since all these things can be managed by none so conveniently as by the supreme civil rulers, it is evident that princes, as the chief members of the Church may take upon themselves the care and direction of all these matters.[15]

Pufendorf, then, grants that in making nominations to posts in the ecclesiastical hierarchy, the prince must proceed differently, but there is no question concerning his right to preside over the election of ministers and bishops. Once elected, these officials, just as the other officials of the realm, are subject to the prince's supervision. This, of course, is directly contrary to the idea of Church-State relations which Patriarch Adrian propounded.

---

[15] S. Pufendorf, Of the Nature and Qualification of Religion in Reference to Civil Society, trans. J. Crull. (London, 1698), pp. 120-121. Corrected by the writer, by comparing with De habitu religionis Christianae ad vitam civilem liber singularis [On the Relation of the Christian Religion to Civil Life: Single Volume] (2d ed., Bremen, 1692), pp. 208-211.

The writer believes that Pufendorf gave away the reason for his strong opposition to any independent Church authority, in the Einleitung. There he comes back to the subject many times. He shows the Popes receiving their authority from the civil power when he writes:

> As the original grants are lost, no certainty can be come at as to this matter; but it is certain, that some succeeding popes did send the Holy Keys and the standard of Rome with rich presents to Charlemain, and amongst other acts of homage, took at their consecration an oath of fidelity to him, as had before been the custom with regard to the eastern emperors.[16]

This contrasts strongly with the ceremonies described in the previous section, for the consecration of Russian bishops.

Pufendorf, however, found still more interesting details in the history of the medieval papacy. He says:

> Pope John XII, who then filled the Holy Chair, hoped to find such a protector in him [Otto the Great, 962] as Leon had in Charlemain, but he was greatly mistaken; for although he restored to the Holy See all that Charlemain had confirmed to it, the restoration was upon such conditions as made the Pope little better than his vassal. One thing reserved to himself

---

[16] S. Pufendorf, Einleitung zu der Historie des vornehmsten Staaten in Europa, trans. J. Sayer. (London, 1744), II, 61.

> and successors was, that no Pope should for the time to come be installed without the consent of the Emperor for the time being. The clergy did not like this, but he would abate nothing thereof, and because John did not please him he deposed him and by force of arms caused another to be installed.[17]

From this, the reader of Pufendorf's Einleitung gathers that the Emperor disposed of the papacy as if it were just one more of the offices of his Empire. If this were the situation in the ninth and tenth centuries, one may ask "How did the Popes acquire the position of Supreme authority which history has accorded them"? Pufendorf gives the following explanation:

> As the supreme jurisdiction was however reserved to the Emperor and his successors, and the consent of the reigning Emperor was necessary to make the election of a Pope valid, the Pope repented of having put himself under his protection. To get rid of this subjection no arts were left untried, nor did the Popes stick to exciting insurrections sometimes in Germany at other times in Italy: hoping by lessening the Emperor's power to pave the way for it, (i.e. getting rid of his subjection to the Emperor), and the German bishops for the most part came into their schemes. The reign of Henry IV, whose debaucheries and imprudent management had irritated and embroiled him with the States of Germany, being thought a proper time for completing this long projected design, Gregory VII, alias Hildebrand, at that time in possession of the Holy Chair, a cunning, proud and enterprising man began with declaring that the Emperor by selling some bishoprics to some as were unqualified or of infamous character, had forfeited his right of distributing bishoprics. The Emperor refused to give up this right; but being excommunicated and a strong party being raised against him by the intrigues of Hildebrand, he was in the end forced to do it.
>
> After gaining this point, he was not content with exempting bishops and other ecclesiastics from the Emperor's jurisdiction, but he immediately set about

---

[17] Ibid., II, 63-64.

> the erecting of a sovereignty in Italy. And it has been thought that, considering the superstition of the times and the divided state of Europe, it would have been, if Gregory had been succeeded by three or four such Popes as himself, no hard matter for them to have established an absolute and universal sovereignty in temporal as well as spiritual things. Having thrown off all subjection to the Emperor, Gregory soon wanted to be his master; and pretending to a power of judging between him and his subjects, summoned him to Rome to appear and answer their complaints in Rome. No regard being paid to this summons, he dared to excommunicate Henry, and declaring him unworthy of the Imperial Dignity, encouraged his subjects to rebel against and depose him. The next Emperor, Henry V, used all his endeavors to regain the power his father had lost, and having seized Pope Pascal, forced him to come to terms. But an outcry being hereupon raised against him by the clergy all over Europe, his subjects flew in his face, and he found it necessary for the sake of restoring tranquillity in his dominions to give up formally in the year 1122, the right of distributing bishoprics.[18]

Thus, according to Pufendorf, the Pope acquired his independent authority and had his bishops exempted from the authority of the civil magistrates by means that are less than commendable. The Church of Russia, at the beginning of Peter's reign had a much more legal claim to its privileges and immunities, viz. the Statute of Vladimir. But, one might ask, since the Roman Catholic Church used such questionable means to obtain the sovereignty it desired, how did the Russian Orthodox Church get even greater power? Is it not possible that the ecclesiastical rulers of Russia subjected Vladimir to the kind of treatment which was meted out to Henry IV and Henry V by the Popes? One who read Pufendorf, as Peter did, might well be tempted to take a second look at the conditions under which the Statute of Vladimir had been promulgated? If such a reader of Pufendorf had at his beck and call an historian and subtle polemicist, viz. Prokopovich, these passages in which Pufendorf attacks the medieval Papacy might be used as weapons against the pretensions of the Russian Orthodox hierarchy. The point will be taken up in the third section of the present chapter.

---

[18] Ibid., II, 87-88.

It may be remembered that Patriarch Adrian had held that even "the most potent Tsar" was subject to his instructions. Where did the Church ever get the idea that it could judge the supreme civil magistrate? Pufendorf gives what he considers the historical origin of this unimaginable arrogance, when he writes:

> A doctrine of a most dangerous nature and extensive in its consequences was soon after advanced, namely, that all temporal powers were subject to the See of Rome. It was not indeed said in express terms that princes were subject to the Pope in civil matters, but that as supreme Head of the Church he had a power to judge of their actions, and in consequence thereof to admonish, reprove, command or forbid, as he saw it necessary. When any of them were at war, the Pope would take upon himself to order a suspension of arms, and that the matter should be referred to him; threatening at the same time to excommunicate that prince who would not abide by his determination and to put his dominions under an interdict. Under the pretence moreover of its being his duty to redress grievances and see justice done throughout Christendom, subjects were encouraged to appeal to him when they imagined themselves injured by their sovereigns, and the latter were sometimes forbid to levy any tax on pain of excommunication. By the fear of this, which commonly declared their dominions forfeited and absolved their subjects from all oaths of allegiance, many crowned heads were kept in awe; and some who would not submit to the Pope's usurpation were, after seeing their

> country laid waste by civil war, actually deposed or assassinated.[19]

It was, then, by trading on the superstition of the people and of the monarchs that the Church achieved its position of independent authority, an authority so sovereign that it could threaten crowned heads, as if they had been no more than naughty boys. Pufendorf sees a close tie between this arrogance on the part of the ecclesiastical hierarchy and the immunity from the civil authority which is granted to ecclesiastical persons. The terms already used in this study--that the Church was a state within the state at the beginning of Peter's reign--are very close to the expressions of Pufendorf himself, when he writes:

> The subjects of this monarchy [the Pope's spiritual monarchy] may be divided into clergy and laity. The former may be considered as the standing army kept up to support the Pope in his vast conquests. The latter are no better than slaves, on whom large contributions are raised for the support of the former. The clergy are not allowed to marry. The pretence for this is that worldly cares would prevent a faithful discharge of their duty; but the true reason perhaps is, that being free from the ties of paternal or conjugal affection they may on all occasions be ready to promote the interest of the Church and obey implicitly the orders of the Pope. As a wife and children which would perhaps be thereby exposed to the resentment of an enraged prince are commonly dear to a man, a clergyman would if married be cautious of flying in his sovereign's face, but a single man can more easily get out of his sovereign's way. Besides...this injunction of celibacy falls in with the grand object of rendering the clergy independent of the civil power which Popes have always had in view.[20]

---

[19] *Ibid.*, II, 89-90.

[20] *Ibid.*, II, 106-107.

The argument drawn from celibacy would not fit the circumstances of Russia at the beginning of Peter's reign, because there, the parochial clergy was married and only the monks and the hierarchy practiced celibacy. About the monks and their role in the spiritual monarchy of the Church, Pufendorf had the following remarks to make, which are directly applicable to Peter's Russia:

> Monks being as submissive to their superior as private soldiers are to their colonel, the Pope had nothing to do but bring its head into his views and every convent was a sort of regiment at his call. It having been found by playing them off, if the interest of Rome required it, against the secular clergy as well as against the laity that they were of great service to the Holy See, monks were towards the end of the thirteenth century encouraged by the Pope to throw off all obedience to their diocesan bishops, and to put themselves under his immediate protection. This point being gained, Popes in the quarrels which from time to time arose between different orders, as for instance between the Dominicans and the Franciscans, always took care to carry it with so even a hand that one could not oppress the other, and as neither could complain of partiality both were thereby kept firm in their interest. By degrees monks engrossed alms and legacies and interfered in other things to the great prejudice of the secular clergy. This of course drew upon them the envy and hatred of bishops, whose interest was strongly connected with that of the secular clergy, but being assured of the Pope's countenance, these were not regarded. Whenever any bishop disputed the authority of a Pope, monks like so many bulldogs were set upon him: and the people deluded by their hypocrisy commonly sided with them. They, besides, kept a watchful eye over the behavior of bishops, and constantly informed the generals of their respective orders who resided at Rome thereof; so that before any scheme to throw off his authority could be brought to maturity the Pope had time to take his measures. At length, and especially as some bishops from corrupt views preferred the jurisdiction of one of their own order to that of the civil magistrate, it was found impracticable to stem the

> torrent and all thoughts of reviving their independence from the See of Rome were laid aside by the bishops.[21]

Thus the monks were the special agents by means of which the supreme spiritual authority maintained its hold on the laity and on the rest of the clergy.

If only the head of the Church found some way of subtracting his agents from the jurisdiction of the civil power in law, as well as their celibacy subtracted them in fact, he would have a full-fledged monarchy. Pufendorf tells his readers how that problem was met, in his reading of history.

> The vast increase of ecclesiastics and the immense riches of the Church would however have never been sufficient of themselves to have established such a spiritual monarchy as was aimed at. To do this effectually, it was necessary that the Pope should possess dominions whose revenue should be sufficient to support his grandeur, and which, being exempt from the jurisdiction of all temporal princes might serve as a sanctuary for his adherents in all occasions.[22]

The essential role of privileges and immunities in the independent authority of the Church is thus made evident. This may explain in part, at least, Pufendorf's aversion for any kind of immunity.

The last text in which Pufendorf presents elements of the spiritual monarchy of the Church is the following:

> As a democratical or aristocratical form of government is besides other inconveniences, liable

---

[21] Ibid., II, 84-85.

[22] Ibid., II, 85-86.

> to factions, it is impossible for the Pope's spiritual power, whose foundation is so rotten, to have long lasted under either. Monarchy then is the only form that suited it, and of the different sorts of monarchy the best to answer their purposes has been fixed upon by the Popes. The whole art of man could not have contrived a better: for all the subtleties of the most refined politicians are nothing to what is to be met with here. Monarchs have heretofore strengthened their authority by giving out that they were descended from the gods, or that their government was founded by the express command of the gods; and if success attended them, which was looked upon as a mark of divine favor, they were sometimes after death reckoned amongst the gods: but the Pope calls himself the lieutenant of Jesus Christ; arrogates to himself whilst living all power in heaven and earth; and would have it believed that such as refuse to acknowledge his authority cannot be saved. If these points are once well settled the whole business is done; for what is more proper to draw the veneration of men to a person than the notion that the majesty of God resides in him? Or what stronger motive can there be to the most absolute submission than the fear of damnation?[23]

In modern terms, one would say that Pufendorf had there expressed the ideology of the spiritual sovereignty of the Church. The temporal sovereignty, the exterior manifestations of the authority of a Pope or Patriarch are supposed to be granted to him as a result of his being the "lieutenant of Jesus Christ" on earth. In other words, Christ acts on earth through the person of his "lieutenant", the Pope or Patriarch. Hence, the incompatibility, noted by Pufendorf, of the democratic or aristocratic form of government with the kind of authority wielded by the spiritual ruler. Pufendorf underlines the importance of this consideration in the power structure of the Roman Catholic Church. Patriarch Adrian, whose ideas on the subject were derived from the Byzantine-Russian tradition, nevertheless, claimed for himself the same authority as the Popes of Rome claimed in the passage just quoted. The parallel in thought strikes the writer as peculiar and it inclines him to think that this idea, viz. authority on earth and in heaven, may be the cornerstone of the whole structure of ecclesiastical power. How else, in fact, could one explain the parallel which one discovers in the expressions used by Pufendorf, who is criticizing the Popes of Rome, and Patriarch Adrian, who is defending what he calls the order established by the Most High God?

---

[23] Ibid., II, 102-103.

Is there any alternative to the theocracy which the Popes are supposed to aim at, and which the Russian Patriarchs claimed to have realized? Pufendorf thinks there is and, once again, he resorts to history. In asking himself why the Protestant reformation did not extend further than it did, he answers:

> It ought to be remembered, that in every state where the doctrine of Luther was embraced the supreme power in ecclesiastical affairs devolved upon the civil magistrate. As this was the case, it was not to be expected that all the other Protestant states would submit to the direction of any one, and consequently the Protestants for want of being united under some one head could not exert their strength with so much advantage against the Pope as he could his against them.[24]

Thus, the Protestant states have retained the system whereby the spiritual head is subject to the civil magistrate, which was the system prevailing at the origin of the Roman Catholic Church, according to Pufendorf's reading of history.

---

[24] *Ibid.*, II, 98.

Twice more does Pufendorf come back upon this point. In dealing with the reasons which keep Protestants and Catholics divided, he says:

> The unwillingness of Protestant states to part with the supreme power in ecclesiastical affairs, which is now looked upon by them as an essential part of sovereignty, would be another grand obstacle.[25]

Then, in contrasting the variety of forms of Church government in Protestant countries with the uniformity of the Catholic world, Pufendorf says:

> The reform thereof [i.e. of Church government] being in all Protestant states regulated by the civil magistrate, Church government is in most of these different.[26]

Notwithstanding the success of the Popes, Pufendorf maintains:

> Temporal government is founded on the highest reason as well as upon divine institution; for without this, men would constantly be exposed to rapine and confusion. But it has never yet been proved that the Pope's spiritual monarchy is founded on either reason or upon Scripture. As this therefore, is an artificial fabrication, it must be supported by arts; and the views of Popes will always be different from those of temporal princes.[27]

Pufendorf, therefore, prescribes the abolition of all privileges and immunities. They constitute an injustice towards the citizens who do not enjoy them, as their share of the burden is larger than it would be without the privileges and immunities. Moreover, privileges and immunities are an essential part of the independent authority of the Church: they provide the head of the Church, Pope or Patriarch, with the funds necessary to maintain his separate power, and they subtract his minions from the jurisdiction of the temporal princes, who might be tempted to challenge the authority of the Church.

---

[25] _Ibid._, II, 116.

[26] _Ibid._, II, 117.

[27] _Ibid._, II, 101.

Pufendorf's teachings in this field of Church-State relations are not cast in the form of directives or guides to action. It is, therefore, useless to search for a "reform program", as such, in his words. Nevertheless, he does enumerate the duties of rulers in what he considers states organized according to the requirements of natural law. The writer has taken Pufendorf's expression of the requirements of natural law as the equivalent of a reform program to be applied to states which have an organization other than the one called for by natural law.

Concerning the privileges and immunities granted to ecclesiastical persons, the texts cited in this section can be summarized in the following suggestions:

(1) No immunities are to be granted to any citizens;[28]

---

[28] Pufendorf, *De officio* (1927), II, 123; *Einleitung*... (Sayer), II, 106-107, 84-85.

(2) The Church must have no authority other than the authority which is delegated to it by the civil magistrate;[29]

(3) As a consequence, the civil magistrate should require of the ecclesiastical persons an oath of allegiance to himself;[30]

(4) The civil magistrate should oversee promotions in the ecclesiastical hierarchy and generally supervise the conduct of the ecclesiastical persons;[31]

(5) The civil magistrate must watch especially the privileges and immunities of the monks, because they are the "shock troops" of independent Church power.[32]

All these suggestions are based on the fact that temporal power is founded on reason and on divine institution.[33] To be effective, according to Pufendorf, the civil power must reach every person in the realm equally.[34] Hence, no privileges or immunities for anyone.

---

[29] Pufendorf, Einleitung...(Sayer), II, 63-64, 89-90, 102-103, 98, 116, 117, 101.

[30] Ibid., II, 61.

[31] Pufendorf, De habitu religionis...(Bremen, 1692),208-211.

[32] Pufendorf, Einleitung...(Sayer), II, 84-85

[33] Ibid., II, 101.

[34] Ibid., II, 74-76. Also, De officio (1927), II, 60-61, 116, 122-124.

It must be repeated that Pufendorf never put together a "reform program". He was a jurist and an historian and he did not write in the imperative. What the writer calls "suggestions of Pufendorf" are really nothing more than propositions abstracted from the writings of the German jurist, and cast in the form of prescriptions and prohibitions. The "imperative" they contain would have to be supplied by the determination of a person who was searching for a way to cut back the authority which the religious hierarchy exercised. If there were such a person, then the writings of Pufendorf would furnish him with rationalizations for restricting and eventually suppressing the authority of the spiritual sovereign.

Once it has been shown, as was done in the first chapter of the present study, that Peter the Great knew something of the doctrine of Pufendorf before 1703,[35] (at least the part of the doctrine concerning privileges and immunities which is contained in the Einleitung and in the De officio), the most natural question to ask is: "Did Peter try to remedy the situation he found in Russia according to the teachings of Pufendorf"?

---

[35] Supra, p. 32.

Section III- Peter the Great Suppresses the Privileges and Immunities of Ecclesiastical Persons.

The material to be presented in this section has been divided into two parts: (1) that which concerns the privileges and immunities of the head of the Russian Church, the Patriarch and his successors, and (2) that which concerns the other ecclesiastical persons.

When Patriarch Adrian died on October 16, 1700, there was already in existence a commission to revise the Ulozhenie [Code] of 1649. It is necessary, at the beginning of this section, to pay some attention to the edict by means of which Peter had called this commission into being, on February 27, 1700.[36] The edict was entitled "Project" and it contained fifteen articles, all of which were to have a bearing on the privileges and immunities of ecclesiastical persons. Article I said that the decision to call together a codification commission had been made urgent by the needs of the Church and of the clergy. It also explained that the "project" had been discussed previously with the Patriarch, the bishops and the superiors of monasteries. It was, therefore, a joint operation, whose decisions would be binding in ecclesiastical as well as civil affairs. Article III noted the need to put some order into the collection of taxes, especially those levied on goods produced on Church lands. Article V said that the remedy for all the evils mentioned in the preceding articles was a revision of the Ulozhenie of Tsar Aleksei, which had been promulgated with the aid and approval of the Patriarch and of the Hierarchy of the Church. To bring the Ulozhenie up to date and to fill the gaps which it contained, Article VI suggested four sources: (1) the canons (rules) of the Apostles and of the Holy Fathers, (2) the civil laws of the Orthodox Greek Emperors and of the old Russian Princes and Tsars, (3) the jurisprudence of the patriarchal courts, and (4) the laws and decrees of the Tsars Aleksei Mikhailovich, Fëdor Alekseievich, Ivan Alekseievich and Peter Alekseievich and the ukases of the Universal and Moscow Patriarchs. The remaining articles were procedural: a list of the members of the commission, instructions for drawing up successive drafts, a prescription reserving final approval of the work of the commission to the Tsar, a list of the courts and chanceries which were to receive copies of the new revised code and an invocation to the Mother of God, the patroness of the undertaking. This is the most complete statement which the writer has been able to find of the places where Peter looked for the legal means of bringing about his reforms.

---

[36] N. A. Voskresenskii (ed.), Zakonodatel'nye akty Petra I [Legislative Acts of Peter I] (Moscow-Leningrad, 1945), I, 30-33.

If the reasoning in the preceding section has any merit, then it should be possible to say that Pufendorf's teachings provided Peter the Great with the guide lines for a program of Church reforms. Pufendorf described the nature, origin and growth of the power of the medieval papacy and he showed how the supreme civil magistrate in the Protestant realms had succeeded in subjecting the power of the Church to the control of the secular ruler. Faced with the power of the Russian Church at the beginning of his reign, a power which seemed very similar to that described by Pufendorf, Peter the Great could either follow the road indicated by the German jurist or look for new and untried ways of curbing this ecclesiastical power.

The first obstacle that must be overcome, if one believes that Peter really followed what the writer has called the "suggestions of Pufendorf" is psychological in nature. The "prescriptions and prohibitions" of Pufendorf were derived from analyses and deductions based on "natural reason". In the text which has just been summarized, Peter the Great told the Codification Commission in 1700 that it must look to the legal precedents of the Church and of the State for guidance. In other words, two mentalities are evident here: one relying on rational argument, the other relying on legal precedent. One is sweeping and theoretical; the other, gradual and experimental.

It is the writer's contention that Peter thought the way Pufendorf did, and acted the way he told the codification commission to act. Better yet, Peter accepted the description of Church-State relations which Pufendorf set forth as being based on reason, but wished to bring it about without seeming to break with legal tradition. The hypothesis seems vindicated by the fact that Peter often presented radical innovations as the implementation of statutes which were already "on the books", thereby, necessitating a close scrutiny of all the laws, decrees, edicts, ukases and other acts which touched upon the privileges and immunities of the head of the Church.

To get back to the events of the last months of 1700, it is true to say that the death of the Patriarch opened the door to a host of measures which profoundly altered the system of privileges and immunities which had hitherto been enjoyed by the head of the Russian Church. The vacancy of the see should have set in motion the procedure foreseen for such eventualities. This procedure is known through a document, dated 1675, which describes how the Tsar's ukase named the metropolitan of Krutits, a see in suburban Moscow, as caretaker of the Patriarch's diocese. The same ukase instructed the patriarchal court to render its decisions in the name of the Tsar as long as the patriarchal see remained vacant.[37] In the winter of 1700, however, this procedure was not followed. Peter was at the front with his army when the news of the Patriarch's death reached him. In fact, he was trying desperately to rally his troops after the disaster of Narva, November 19, 1700. One of the Tsar's officials in Moscow, Kurbatov, had added a letter to the dispatch announcing the death of the Patriarch. Kurbatov suggested in his letter that the Tsar defer the election of a new Patriarch, pointing out that the disorders in the administration of the Church might be more easily remedied if there were no Patriarch to contend with. (The codification commission, which has already been mentioned, was supposed to do something about those disorders.) Kurbatov even advanced an alternative to the one-man rule of the Patriarch: a division of the duties formerly fulfilled by the Patriarch alone, according to the following proposal: (1) a trustworthy bishop, assisted by five learned monks, would take the necessary decisions in doctrinal and liturgical matters and supervise ecclesiastical promotions, (2) a special government agency would take in hand the financial, administrative and judicial functions of the Patriarch. Kurbatov even proffered the names of officials and bishops who, in his mind, could do the proposed work satisfactorily.[38]

---

[37] Akty istoricheskie, sobrannye i izdannye Arkheograficheskoiu Komissieiu [Historical Acts, Collected and Published by the Archeographical Commission] (St. Petersburg, 1841-1844), IV, 259.

On December 16, 1700, Peter named Stepan Iavorskii, "Exarch of the Most Holy See of the Patriarch, Caretaker and Administrator". The ukase containing this appointment also defined the rights, privileges and immunities of the new dignitary. It must be noted in passing, that Iavorskii was metropolitan of Riazan' and Murom, not of Krutits, as tradition seems to have required. The ukase of December 16, 1700, followed a number of Kurbatov's suggestions, besides that of deferring the election of a new Patriarch. It stated that Stepan Iavorskii inherited the doctrinal and liturgical functions of the Patriarch, as well as his jurisdiction in cases involving schism [Raskol'], heresy and opposition to the Church. All other suits involving ecclesiastical persons were to be tried in the courts which would have had jurisdiction over them if ecclesiastical immunity had not existed. Suits concerning the estates of the Church were to go before the Pomestnyi [Estate] Court.[39]

---

[38] P. V. Verkhovskoi, Ocherki po istorii russkoi tserkvi v XVIII i XIX stoletii [Studies in the History of the Russian Church in the Eighteenth and Nineteenth Centuries] (Warsaw, 1912), p. 108.

The ukase of December 16, 1700, thus not only limited the authority of the successor of the Patriarch, but it also abrogated the immunity which ecclesiastical persons had enjoyed with regard to the Tsar's courts. The writer sees in this move a first step in the direction of Pufendorf's remarks, regarding the abolition of immunities and privileges.[40]

A further step in the abrogation of ecclesiastical privileges and immunities was taken on January 24, 1701. On that day, the authority which the Patriarch had had over all clergymen without exception, as well as over the employees of the bureaus and other ecclesiastical institutions such as, accountants, stewards, inspectors, peasants living on Church lands, teachers and students of the Greek-Latin-

---

[39] Polnoe sobranie zakonov... IV, 87-88, No. 1818.

[40] Supra, pp. 75-76.

Slavonic schools, the poor and those who received help from the Church's welfare institutions, all that was transferred to the newly restored Monastyrskii Prikaz [Monastery Department].[41] To get the full meaning of this act, one must realize that Peter had restored the Monastery Department by using the very same formulas as the Ulozhenie had used to create it. At that time it had been a special subdivision of the Bol'shoi Dvorets [Great Court], which was one of the Tsar's tribunals.[42] In other words, three months after the Patriarch's death, the notion of ecclesiastical person had already been stripped of its primary meaning, which was that such a person was exempt from the laws of the Tsar.

The date of these ukases is interesting. In 1700-1701, the prevailing theory of Church-State relations was presumably that expounded by Patriarch Adrian in 1690, and discussed in the first chapter. On the other hand, Peter would not meet Feofan Prokopovich until 1706. Nevertheless, he is following a line of action indicated in some of the works of Pufendorf for which the Tsar had a particular affection. This may be only coincidence. If so, it is the first of many such coincidences.

In 1702, a few years after Peter's return from Western Europe, the Tsar sent a proclamation to all the large cities of Europe. He entitled his document "Manifesto" and its contents boded no good for the privileges and immunities which were still enjoyed by the head of the Russian Church. The Manifesto was an invitation to all professional men and skilled workers--engineers, military officers, shipbuilders--to come to Russia. To encourage them to undertake the long voyage, the Tsar promised to extend to other spheres of Russian life the ameliorations he had already made in the army by introducing European customs. Moreover, he assured the Protestants and Catholics who agreed to exercise their professions and crafts in Russia that they would enjoy complete religious freedom. The Tsar himself, it was written, would build them the churches and temples required by their religions. This was contrary to the wishes of the Russian Church, the Manifesto continued, but in the capital complete religious freedom had already been introduced. The only groups which did not enjoy this freedom were the indigenous Christian sects who had broken away from the Russian Church. As Peter put it, the reasons for this religious tolerance were:

---

[41] Polnoe sobranie zakonov... IV, 133, No. 1829.

[42] M. I. Gorchakov, Monastyrskii Prikaz, 1649-1725gg. [The Monastery Department from the Year 1649 to the Year 1725] (St. Petersburg, 1868), p. 89.

> Our duties as Tsar are concerned with earthly order and happiness. We leave the conscience of Our subjects free. We do not wish to intrude the power We hold from the Almighty between a believer and the means he takes--upon his own responsibility--to assure the salvation of his soul.[43]

---

[43] Polnoe sobranie zakonov... IV, 195, No. 1910.

Thus, by 1702, Peter the Great showed that he was preoccupied primarily with secular concerns, such as Russia's needs for the trained minds and hands of the Protestants and Catholics of Western Europe. Bringing these foreigners into Russia and giving them positions of prestige and trust might create certain dangers for the Orthodox faith of the Russians who would work with them, but the Tsar's duties were concerned with earthly order and happiness, not with the salvation of souls, which was a private affair, where each believer acted on "his own responsibility". The similarity of thought between the Manifesto of 1702 and the passages of Pufendorf, quoted in the first chapter, seems to be more than coincidental. Peter aims at "earthly order and happiness" and Pufendorf's natural religion "promotes peace and sociability in this life".[44] Peter considers that as Tsar, the salvation of souls is outside his jurisdiction and Pufendorf says that men do not "form civil societies to discover and practice religion".[45] Peter's readiness to tolerate alien religion in order to procure for his realm the advantages of well trained men parallels Pufendorf's distinction between natural and revealed religion.[46] It is also interesting to note Peter's affirmation that despite his non-religious preoccupations, his power is derived from God. Pufendorf had said just about the same thing regarding civil authority.[47]

---

[44] Pufendorf, De officio (1927), II, 25.

[45] Pufendorf, De habitu religionis... (Bremen, 1692), 20-23.

[46] Pufendorf, De officio (1927), II, 25.

Of course, Peter might have read similar expressions in any number of West European thinkers--the names of Hobbes, Grotius, Bodin and Althusius come to mind--if he had been interested in political theory as such. But Peter the Great was not interested in theory. Moreover, he never called himself the "Russian Bodin" or the "Russian Grotius", nor did he prescribe their works for the education of his son and presumptive successor. When it came time also to do something about shaping the political thought of the Russian seminarians, Peter did not turn to Leviathan, but to Pufendorf's De officio. Once again, the similarity in thought and expression between Peter and Pufendorf may be just a coincidence, but the number of these coincidences is becoming interesting to say the least.

Whether or not the Manifesto of 1702 was inspired by the teachings of Pufendorf, one thing was certain: if the Tsar was ready to tolerate any religion, the privileges and immunities of the head of the Russian Church would be short-lived. Those privileges had been granted to the head of a Church which counted among its adherents the overwhelming majority of the subjects of the Tsar. If that majority were balanced by numerous groups of believers in other religions, the reasons adduced by Vladimir in the oft-quoted Statute would no longer be valid.

---

[47] Ibid., II, 109.

In the same year, 1702, Peter made some inroads into another sphere of patriarchal privilege. In the first section of this chapter,[48] it was seen that the Tsar had a very minor role in the distribution of ecclesiastical dignities. The Patriarch and the other members of the hierarchy pretty well controlled ecclesiastical elections and promotions. While the patriarchal see was vacant, this order of things began to change. Peter's correspondence reveals the following facts: (1) In 1702, the Tsar delegated his personal representative in White Russia, B. P. Sheremetev, as the one to select a new archimandrite for the Monastery of the Caves of Pskov. Prince Sheremetev had written to the Tsar: "Who should be archimandrite of the Monastery of the Caves of Pskov"? Peter's answer had been: "You choose someone".[49] (2) The Pskov monastery was one of those directly subject to the Patriarch and in the absence of a Patriarch, the nominations made by the caretaker of the see were in the name of the Tsar. This system was a stop-gap measure. (3) When the vacancy of the see had stretched to eight years, a new procedure began to develop. The chief of the Monastery Department, Count Musin-Pushkin, began to pick candidates for vacant episcopal sees. The names would then be sent to the Tsar, who made the actual selection. The next step consisted in having the Monastery Department notify the caretaker of the patriarchal see of the Tsar's choice. Stepan Iavorskii then consecrated the new bishop and the Tsar sent gifts to the new hierarch. All these steps were described in a letter, dated 1708, from Peter to Musin-Pushkin, concerning the appointment of Ioasaf Krokovskii to the metropolitan see of Kiev.[50]

---

[48] Supra, pp.57-59.

[49] Pis'ma i bumagi imperatora Petra Velikogo [Letters and Papers of the Emperor Peter the Great] (St. Petersburg-Moscow, 1887-1956), II, 9.

It is easy enough to see in these events steps towards the implementation of what the writer has called Pufendorf's fourth suggestion concerning ecclesiastical privileges, viz. that the civil magistrate should oversee promotions in the ecclesiastical hierarchy.[51]

By 1710, the Tsar's role in the distribution of ecclesiastical dignities was accepted by the caretaker of the patriarchal see. A letter from Peter to Iavorskii, dated September 10, 1710, ordered the immediate transfer of Stepan Pribylovich, former prefect of the Moscow Academy, to the post of chaplain to one of Peter's nieces.[52] On September 25, Iavorskii answered that the transfer had been made and that another prefect had been found.[53]

---

[50] Ibid., VII, 159.

[51] Supra, p. 76.

[52] Pis'ma i bumagi... X, 334.

The deterioration of the privileged position of the head of the Russian Church is highlighted by a letter from Count Musin-Pushkin, chief of the Monastery Department, to Peter. On November 2, 1710, the count reported to the Tsar on the methods he had used to keep the caretaker of the patriarchal see from going on a trip. He also said that he menaced the other members of the hierarchy with the most dire punishments if they sympathized with the delinquent Iavorskii or tried to imitate him.[54] The Tsar's answer has not been found.

Such highhanded treatment for the head of the Church was a far cry from the privileged position the Patriarch had had in Russia at the beginning of Peter's reign, but it was in keeping with Pufendorf's suggestion: that the civil magistrate should supervise the conduct of the ecclesiastical hierarchy.

Since mention has been made of the restrictions imposed upon the movements of the head of the Russian Church by Peter's agent, Musin-Pushkin, the chronological order will be dropped for a moment to treat an illuminating document relating to the movements of the head of the Church and which is contained for some reason in the _Complete Collection of the Laws of the Russian Empire from 1649_. The writer believes this document to be the notes taken by a secretary during an interview between the Tsar and Stepan Iavorskii. The headings are in the original and the very brevity of the text seems to testify to the distance which, in 1718, already separated the Tsar from the immediate successor of Patriarch Adrian, the very man who had claimed the right to dictate to the "most potent tsar". The text says:

---

[53] _Ibid_., X, 717.

[54] _Ibid_., X, 755.

> Questions 1 and 2. I raced here when I received your ukase of May 28, 1718, without bringing along any vestments, clothes or food. Why did you summon me, then leave me without further instructions from you, to live in a strange house, far from the church and without water?
>
> Answer. Three years ago, when I summoned you to Moscow, you ran off to the Ukraine. As for a house, one is being built for you.
>
> Question 3. Am I to stay in Petersburg? How shall I be able to look after the eparchy of Riazan'?
>
> Answer. Someone else can be found for that task, just as the affairs of the eparchy of Moscow were handled by Krutits. Besides, you can settle all the questions arising in Riazan' by letter. Here you shall be assigned some very important work.
>
> Question 4. Are the bishops to come to me here one after the other, or in groups?
>
> Answer. That all depends on the nature of the affairs you will have to discuss with them.
>
> Question 5. Many places have no bishops: Kiev, Novgorod, Tobolsk, Smolensk, Kolomenskoe. Others have very old bishops. What do you intend to do?
>
> Answer. You are to draw up a list of men from the Monastery of the Neva (Trinity-Alexander Nevskii Abbey) whose qualities are well known and who will not turn out the way the late bishops of Tambov and Rostov turned out. To assure a better handling of these things in the future, I am thinking of a Spiritual College.[55]

In this exchange, the Tsar is answering questions put to him by Stepan Iavorskii, caretaker of the patriarchal see. The control which Peter exercised over the actions of the head of the Russian Church is, in the writer's opinion, a measure of the distance already traversed towards Pufendorf's ideal: that all authority must stem from the civil magistrate and that the Church should have only the authority which the civil magistrate delegates to it.

---

[55] Polnoe sobranie zakonov... V, 594-595, No. 3239.

The offhand mention of a Spiritual College in 1718 is also extremely interesting, because it constitutes a practical refutation of Kliuchevskii's thesis that Peter acted "involuntarily, automatically and unawares", in his reform measures.[56] Three more years would elapse before the projected Spiritual College opened its doors for business, and here one can see the Tsar choosing the personnel for the new institution and stipulating that one of its functions would be to select candidates for vacant episcopal sees.

The next series of measures taken by Peter the Great to put an end to the privileges and immunities of the head of the Russian Church can be considered means of implementing two other points made by Pufendorf-those requiring of the hierarchy an oath of allegiance to the civil magistrate and restricting the authority of the Church to what the civil magistrate delegates to it.[57] Oaths of office had been unknown in Russia at the beginning of Peter's reign. The only formality which could possibly be called an oath of office was the simple promise made by the new bishops to obey the Patriarch of Moscow, to pay the patriarchal taxes and to be present at the ecclesiastical councils whenever they were called.[58] Even this had not been mandatory until 1675.[59]

---

[56] Supra, p. 1.

[57] Supra, p. 76.

It is against this background that one must view the order which Peter addressed to the "most Holy Stepan [Iavorskii], Metropolitan of Riazan' and Murom" (caretaker of the patriarchal see), on January 22, 1716. The Tsar wrote:

> Most reverend father:
> Although bishops promise to observe all the statutes and decrees of the Church, still there are some among them who prevaricate; for which reason I have caused the following explanation of that promise to be made, which you shall order to be inserted therein, for the future.[60]

There followed seven points which the new bishops swore to observe. The first six concerned their spiritual obligations, such as, the discipline to be enforced in monasteries, the rules of excommunication, the building of churches, the visitation of the diocese. The seventh, however, was "not to meddle with secular concerns on any account whatsoever, unless to defend the weak, according to the advice of the

---

[58] Akty istoricheskie... IV, 1.

[59] P. V. Verkhovskoi, Uchrezhdenie dukhovnoi kollegii i Dukhovnyi Reglament [The Establishment of the Spiritual College and the Spiritual Regulation] (Rostov-on-the-Don, 1916), I, 519.

[60] Voskresenskii, op. cit., I, 51.

Apostle". Peter himself composed these additions to the promise made by the bishops, and his manuscript has been published.[61] Most interesting in all of this is the fact that the Tsar, the supreme civil magistrate, is defining for the hierarchy of the Church the limits of its authority. Interesting too, is the fact that the civil magistrate is having the head of the Church act as his agent in requiring this oath. Pufendorf's ideal concerning an oath of allegiance has not been fulfilled, but the head of the Russian Church is being used to administer oaths to the members of the ecclesiastical hierarchy, and these oaths are framed by the civil magistrate.

Pufendorf's suggestion was finally fulfilled in 1721. At that time, the members of the Russian Orthodox hierarchy, who became members of the Holy Synod, (including the caretaker of the patriarchal see) swore the following oath:

> I again swear by Almighty God that I will and am in duty bound to continue a faithful, good and obedient servant and subject to my natural and true sovereign, Peter the Great, Emperor and Sovereign of All Russia, etc. And after him, to His Imperial Majesty's august, lawful successors, who by the will and uncontrollable power of His Imperial Majesty are appointed or shall hereafter be appointed and qualified to ascend the throne, and to her Sovereign Majesty, the Empress Catherina Alekseievna. And every right, prerogative or preeminence belonging to the supreme sovereignty, power and dominion of His Imperial Majesty, which is legal or shall hereafter be legally established; to guard and defend with the best of my skill, power and ability, and if need be, with my life and fortune. And moreover, with the greatest constancy persevere to promote everything that can in any way contribute to the faithful service and interest of His Imperial

---

[61] Verkhovskoi, op. cit., II, Part II, 109-113.

> Majesty. As to any diminution of, or detriment and damage to His Majesty's interest, as soon as I am acquainted with it, I will endeavor not only to discover it in due time, but by all means to remedy or put a stop to it.[62]

An oath such as that went even further than Pufendorf required. Since the Holy Synod had become the head of the Russian Church in 1721, this oath meant that the head of the Church not only swore allegiance to the civil magistrate and to his successors, but also, that the Church was dedicated to the safeguarding of all the prerogatives of the civil power. An oath such as the one just quoted, put an end to any independent Church power and, thereby, suppressed all privileges enjoyed by the head of the Church, other than that of serving faithfully the supreme civil magistrate.

The oath finished with the following words:

> I acknowledge upon oath that the Monarch of All Russia himself, our most gracious sovereign, is the supreme judge of this Spiritual College.
>
> I further swear by the All-seeing God that all the particulars I have sworn to I do not only explain and understand in my mind as I have uttered them with my mouth, but in the force and sense, whatever force and sense it is, which the words here written do express to those who hear and read them. I assert upon oath, that it is no lie. If it is a lie and not from my conscience, let the same righteous judge be my avenger.[63]

The last part of this oath not only follows the thought of Pufendorf, it seems to echo his very expressions. He had written:

---

[62] Ibid., II, Part I, 11. This is a critical edition. The writer has used it to correct the translation found in T. Consett, The Present State and Regulations of the Church of Russia (London, 1729), pp. 7-9.

[63] Ibid.

> We must also note that in oaths the sense of the whole text prevails as avowedly understood by the man who tenders the oath, that is, the man to whom we swear. For it is in his interest especially, not that of the swearer, that an oath is given. Hence, it is his privilege also to frame the words of an oath with all possible clearness. And he must show how he understands them, while the swearer should declare that he clearly understands the meaning; and he must clearly pronounce the words, so that he can in no way equivocate or evade.[64]

When one remembers that the text of the oath was penned by Feofan Prokopovich, a disciple of Pufendorf, and corrected by Peter, himself, the similarity in expression ceases to be thought a curious coincidence.

Hence, it can be said that from the time when the Patriarch died and was not replaced, to the time when the Spiritual College became the head of the Russian Church, the laws and other official actions of Peter the Great tended to suppress the privileges and immunities enjoyed by the head of the Russian Church. The oath, which has been quoted at length, was sworn by the caretaker of the patriarchal see in his new capacity of member of the Spiritual College. In substance, it was the same oath which the Tsar administered to all his officials. So, at least from that point of view, the head of the Church was on the same footing as the rest of the subjects of the supreme civil magistrate.

---

[64] S. Pufendorf, _De officio_ (1927), II, 61.

The replacement of the caretaker of the patriarchal see by the Spiritual College was proclaimed in the Dukhovnyi Reglament [Spiritual Regulation] , which was really an ecclesiastical constitution. What did this fundamental law do to the privileges and immunities of the head of the Russian Church?

The Spiritual Regulation added little to what was already in force. In fact, it repeated most of the legislation which Peter had enacted between 1700 and 1721 with regard to privileges and immunities. The reason for bypassing the convenient summary afforded by the Spiritual Regulation and going back to the original laws and letters was simply to establish a continuity in Peter's actions which outlasted the influence of any one of his advisers, even Feofan Prokopovich. This continuity and the effect of Pufendorf's teachings which it seems to manifest, confirm the writer in his opinion that Peter himself had derived a program for his Church reforms from the German jurist.

The Spiritual Regulation was printed in two parts. The complete text had been read in the Senate and subscribed by Peter, the senators and the members of the Russian Orthodox hierarchy who were present in Petersburg at the time. This was on February 14, 1721, and a number of months then elapsed while the signatures of the other bishops and monastic superiors were collected. On September 16, 1721, the complete text was printed and distributed. This must have been done without the Tsar's express permission, because he ordered the copies to be returned to the Spiritual College. He then proceeded to delete two chapters from the Regulation. This truncated text was printed and released on November 19, 1721.[65] The omitted chapters were restored and the complete text distributed on December 19, 1722.[66] Pekarskii gives as a reason for this strange procedure Peter's desire to set up the new ecclesiastical administration without causing too great an outcry. The temporarily suppressed sections concerned the duties, rights and privileges of the clergy, who might react more violently to the parts of the Regulation which affected their personal status than to the parts which dealt with the administrative structure of the Church itself.[67] Be that as it may, one fact stands out: whereas, before the Regulation, the head of the Russian Church had been one man, the Patriarch or the caretaker of the patriarchal see, after the fourteenth day of February, 1721, a group of men, called the Spiritual College, fulfilled that office. This group had sworn the oath which has been quoted at length in this chapter. There was, therefore, no doubt in their minds nor in that of the Tsar as to the position of subjection of the Church vis-à-vis the supreme civil magistrate.

---

[65] Voskresenskii, op. cit., I, 198.

[66] Ibid., I, 100.

[67] P. P. Pekarskii, Nauka i literatura v Rossii pri Petre Velikom [Science and Literature in Russia at the Time of Peter the Great] (St. Petersburg, 1862), II, 522-523.

The position of the head of the Russian Church with regard to the Tsar and Autocrat had been explicitly described in the Manifesto of January 25, 1721, which gave force of law to the Spiritual Regulation. In this document, one may read:

> We, Peter the First, Tsar and Autocrat of all Russia, etc., etc., etc.,
>
> Among the many cares which the empire committed to Us by God requires for the good government of our hereditary kingdoms and conquests, casting Our eye on the spiritual order and observing in it many irregularities and a great defect in proceedings, We should indeed be afflicted in Our conscience and have too good cause to fear lest We appear guilty of ingratitude to the Most High, if after, by His gracious assistance, We have happily succeeded in a regulation, both military and civil, We should neglect the regulation of the spiritual order; and lest, when the impartial Judge shall require of Us an account for the vast trust He has reposed in Us, we should not be able to give an answer.
>
> We, therefore, after the example of the former religious kings, recited in the Old and the New Testaments, having taken upon Us the care of the regulation of the spiritual order, and not seeing any better way for it than a conciliar government, yet, because this is too weighty a charge for any single person to whom the supreme power is not hereditary, We appoint a Spiritual College, that is a spiritual conciliary government, which is authorized to rectify, according to the regulation here following, all spiritual affairs, throughout the Russian Church. And We require all Our faithful subjects of every rank and condition, spiritual and temporal, to account this administration powerful and authoritative, and to have recourse to it for the direction, resolution and determination of their most private spiritual affairs and to acquiesce in its definitive sentence, to obey its decrees and orders in everything, under the pain of severe punishment for disobedience and contumacy, as in the other colleges.
>
> This college must also perfect hereafter its regulation with more rules, such as the different occasions of various affairs shall require, but the Spiritual College must not do this without Our consent.
>
> We constitute members of this Spiritual College, as is here specified: one president, two vice-presidents, four counsellors and four assessors. And because it is said in the first part of this regulation,

> in the seventh and eighth sections, that the president is liable to be tried by his brethren--to wit, in the same college--in case he does anything amiss, We, therefore, allow him one vote, as the others have. All the members of this college, at their entering on their functions, must take oath and promise on the Holy Gospel, in the form of an oath hereto annexed.[68]

It strikes the writer as rather cynical on Peter's part to appeal to divine authority and to the examples of the religious kings of the Old and New Testaments to institute a system which made of the head of the Russian Church one of the many colleges who exercised authority in the Tsar's name and upon his delegation. The total dependence of the head of the Church upon the Tsar was spelled out when it was said that the Spiritual College needed the Tsar's consent to do what he enjoined it to do, viz., to add new rules to its regulation as circumstances required.

To grasp the absoluteness of the Tsar's authority according to the order introduced by the Spiritual Regulation and the consequent degree of submission which the head of the Church would have to accept, one must turn to the text of the Regulation itself. In its first part it contained some theoretical considerations. There, Peter explained why he had a right to change the structure of the Church's administration:

> The different colleges, responsible for the different affairs and functions of His government, the Most Potent Tsar of all Russia, Peter the First,

---

[68] _Polnoe sobranie zakonov_... VI, 314-315, No. 3718.

> has, out of His great wisdom, instituted for the benefit of His country and kingdom in the year 1718. And, as a Christian sovereign and a guardian of the true faith and a preserver of all good discipline in the Holy Church, having regarded the spiritual defects and out of a strong desire to amend and regulate them, He has been graciously pleased to erect and provide diligently and constantly what is beneficial to the Church, that all things may be done in order, and that there be no indecency or disorder. For this is the desire of the Apostle, or rather the good pleasure of God himself.
>
> And, lest anyone should think that this method of regulation is improper and that the spiritual affairs of any community would be better administered by one person, as every bishop directs the affairs of his particular district or eparchy, We add here the weighty reasons which show that this perpetual assembly-type regulation, or perpetual Synod or Synedrion, is the most perfect, and much preferable to any one-man administration, especially in a monarchical state, such as Our Russian government is.[69]

The resemblance between this and the previously quoted passage from the *De habitu religionis* of Pufendorf is quite visible. Even Pufendorf's advice not to neglect to explain to the people the abuses in the Church and the civil magistrate's right to correct them has been followed,[70] with the proper Petrine flourish. When Peter decided to explain, he did so with a will. There are no less than nine lengthy reasons given for the new order which he is introducing. The second and third reasons echo some of the thoughts of Pufendorf on the subject. Peter said:

---

[69] Verkhovskoi, *op. cit.*, II, Part I, 28-29. English translation in T. Consett, *The Present State and Regulations of the Church of Russia* (London, 1729), I, 14-15.

[70] Pufendorf had said: "We may justly conclude that if any error or abuse has crept into the church, which overthrows or diminishes the rights of the civil power, the civil power may lawfully correct or reform such abuses by virtue of the natural liberty it enjoys in the most eminent manner and which gives it the right by its own authority to remove whatever is prejudicial to it; although it is advisable to inform the people fully both of the abuses and of the rights of the civil magistrate to reform them, that such reformation may give no offense." *De habitu*, pp. 254-255. See, *supra*, p. 35.

> Monarchical power is self-sufficient and sovereign, to which God himself requires us to submit for conscience's sake. Nevertheless, monarchs have their counsellors, not only better to find the truth, but that disaffected subjects should not revile and slander them, as though a monarch commanded this or that by his own absolute will or power, rather than from a principle of justice and truth. This is still more necessary in an ecclesiastical government, where the authority is not monarchical and the hierarchs themselves are commanded not to tyrannize over their clergy.
>
> There is still another certainty where a college for regulation has been constituted by the monarch and is operating under his direction. It is then evident that the college is not a faction united in secret confederation for their own interests but a group of persons come together for the common good, by the will of the prince and with the consent of the rest of his subjects.[71]

The reference to the consent of the governed is the only one known to the writer, though there may exist others in the multitude of Peter's edicts, decrees, laws and manifestoes. The possibility of mistaking the clergy for a faction linked by a special compact for its own interests, if its authority were not clearly derived from the monarch, is taken up again by Peter and it will be discussed later in this chapter.

---

[71] Verkhovskoi, op. cit., II, Part I, 29-30. English translation, Consett, op. cit., I, 16-17. On those points, Pufendorf had said: "Moreover, the soundness and internal strength of states is brought about by the union of the citizens and the more carefully the latter is maintained, the greater is the effectiveness with which the power of the authority is distributed through the whole body of the state. Therefore, it is incumbent upon rulers to see to it that factions do not arise in the state; that some citizens are not linked by special compacts; and that they are not all, or part of them, on whatever pretext, sacred or profane, more dependent on any other man, whether within or without the state, than upon their lawful prince; and that they do not imagine that more protection for themselves is found in any one than in him". De officio (1927), II, 124.

Peter the Great then went on to describe the vast difference there was between the Tsar's authority and all other forms of power. The theme had been broached in the preceding quotation but there was still much to say before Peter was satisfied that his right to reform the Church had been clearly understood. The argument was that since the Tsar's authority was the only one which could lead society to its common good, all other centers of authority must be automatically branded as conspiracies and factions, unless they can establish their status as agencies of the Tsar, exercising a part of his authority. This was explained at length in the seventh reason for the new form of Church administration. The whole passage is quoted because it is one of the finer examples of the particular mixture of rhetoric and passion which Peter and his aide, Feofan Prokopovich, used in the preambles to key laws and regulations.

> This is an argument of great weight and moment: that a nation has no reason to suspect or apprehend tumults and seditions from a Synodical administration, while it has too just cause to fear such things from a single spiritual ruler. For the ignorant, vulgar people do not consider how far the spiritual order is removed from the regal, but in admiration of the splendor and dignity of a high priest, consider such a ruler as a second sovereign, equal in power to the king himself, or above him, and imagine the spiritual order to be another and better sovereignty. And thus the vulgar do usually think among themselves, and when the seditious disputes of aspiring clergymen are set on foot, they take fire like dry stubble, their silly minds are so biased, with these imaginations, that in

every affair they look to the high priest and not to the prince. On the report of any quarrel between them, they blindly and distractedly adhere to and take part with the spiritual rather than their civil ruler and impudently gather together and raise a tumult in his defense. Poor, miserable men, they flatter themselves that they come together for God's service and think that they do not pollute their hands but sanctify them when they proceed even to the shedding of blood. There are in the kingdom crafty persons who greatly rejoice in this disposition of the people. Being disaffected from their sovereign, and seeing a misunderstanding between him and the priests, they embrace this as a most favorable occasion for the execution of their malice. Under the pretense of zeal for the Church, they make no scruple to lift up their hands against the anointed of the Lord. The common people are excited to this impiety as to a work of God, especially when the chief pastor is puffed up with a great opinion of himself and will not stay in his place. It is indeed sad to reflect on what calamities would come from such an eventuality. And this is not only a conjecture which God has inspired into our thoughts. It has often been demonstrated in fact, in many countries and is particularly manifested in the history of Constantinople, from the reign of Justinian down to the present time. The Pope also brought about great things by this means. He not only overthrew the Roman Empire and grasped for himself a great part of it, but more than once, he has almost shaken the power of other dominions and threatened them with the last destruction. We pass in silence the similar contentions which have taken place in our country. In a Synodical administration, there would be no place for such mischief, as the president himself would not have bestowed upon him the great and extravagant applause of the people. There would be no high opinions of him, nor would flatterers exalt him with immoderate commendation. His only titles would be to eminence and respect. For what would be well done in such an administration could not be ascribed to the president alone. The appellation of president itself is not one of arrogance, since it denotes nothing more than one who presides. For this reason he could not think highly of himself, nor could others thus think of him. And when the nation is further convinced that this assembly-type power is established by a law of the Monarch, with the advice of his Senate, they will entirely acquiesce under it and lay aside all hope of having their seditions supported by the assistance of the spiritual order.[72]

---

[72] Verkhovskoi, op. cit., II, Part I, 31-32. English translation, Consett, op. cit., I, 18-21.

The similarity of views and even of expressions between this text and those of Pufendorf, which have been quoted in the second section of the present chapter,[73] are so evident that it is really not necessary to repeat all those texts.

When one remembers that the Spiritual Regulation was originally drafted by Feofan Prokopovich, the disciple of Pufendorf, and corrected by Peter, who had known Pufendorf's key works since some time before 1703, it would be even more startling to find no similarity of views and expressions.

At any rate, the period inaugurated by the Spiritual Regulation (1721-1725), witnessed a jockeying for position between the numerous colleges which Peter the Great had established. The new head of the Russian Orthodox Church, the Spiritual College, showed itself very adept at these bureaucratic maneuvers, probably because the Church had had a bureaucratic character even under the Patriarchs and the members of the hierarchy who were in the Spiritual College had made their apprenticeship in that old and tried school. The Spiritual College made no effort to rival the Tsar's authority, but it did try to establish a more direct relationship between itself and the autocratic source of all authority. The regulation given to each college at the time of its establishment laid down the lines of authority. These spread out from the Tsar and a cluster of them passed through the Senate, as the necessary intermediary between the autocrat and his many colleges. The Spiritual College was one of those which stood in subordination not only to the Tsar but also to the Senate.

---

[73] Supra, pp. 65-73.

It is necessary to remember these details to avoid construing the various increases in power which the Tsar granted to the Spiritual College as a resurrection of the old order of privileges and immunities, which had made the head of the Church and the Tsar partners in sovereignty. At the beginning of Peter's reign, the position of the Patriarch had rested on the firm, if chaotic, foundation of custom and tradition. By 1721, the chaos had been dispelled. Peter's legislation, epitomized in the Spiritual Regulation, had redefined the place of the head of the Church in Russian society. The Church itself was considered as one of the agencies through which the Tsar guided Russia towards its common good.

The first concession made to the new Spiritual College in an effort to give it prestige, especially in the eyes of the people accustomed to the pomp and grandeur of patriarchal majesty, was the permission to change its name. Just as the Senate's privileged position in the governmental hierarchy was symbolized by a special name, the Spiritual College was to have its own distinctive appellation. It would henceforth be called the Most Holy Synod or the Most

Holy Governing Synod.[74]

As if to show one and all that the Russian Church had not been slighted by his decision to replace the Patriarch or caretaker of the patriarchal see by a government agency, Peter gave the new agency authority over a number of individuals who had always been considered outside the scope of the Patriarch's spiritual power. In September 1721, the Tsar had all the non-Orthodox believers who lived in the Russian Empire informed that henceforth they were subjects of the Holy Synod. The Roman Catholics, the Lutherans and the Calvinists, who were presumably literate, were told by law that in the future, they would be held responsible to the Holy Synod and not to the College of Foreign Affairs.[75] From that time on, the Synod administered the non-Orthodox believers just as it did the Orthodox. It designated pastors for the Protestant churches,[76] it determined that the Catholic pastors in Petersburg had to be French,[77] it gave the Capuchin Fathers the permission to build a church in

---

[74] Polnoe sobranie zakonov... VI, 366-367, No. 3749; Opisanie dokumentov i del'... I, 318.

[75] Polnoe sobranie zakonov... VI, 395-396, No. 3790.

[76] Polnoe sobranie postanovlenii i razporiazhenii po vedomstvu pravoslavnago ispovedaniia Rossiiskoi Imperii [Complete Collection of the Resolutions and Decrees of the Department of Orthodox Confession of the Russian Empire] (St. Petersburg, 1872-1917), I, 149, 167, 247; II, 572, 767.

[77] Ibid., III, 1148.

Astrakhan, but refused the same permission to the Franciscans,[78] it forbade the Lutheran pastors from celebrating marriages between Orthodox believers and Lutherans,[79] and required the same Lutheran pastors to hold thanksgiving services for the Peace of Nystadt (1721) and for the Tsar's health on all national holidays.[80]

These grants of authority added to the prestige of the Holy Synod in the eyes of the Russian people who saw for the first time their compatriots in the ecclesiastical hierarchy dictating to the foreigners, but, by the same token, they also underscored the bureaucratic character of the new head of the Russian Church. The non-Orthodox believers owed no doctrinal allegiance to the Holy Synod. Its hold over them was purely administrative--in the bureaucratic sense of the word, i.e. the Synod was the agency by means of which the Tsar controlled the doings of the non-Orthodox inhabitants of his Empire. Until September 1721, this control had been exercised through the College of Foreign Affairs; after September 1721, it was through the Holy Synod.

The relations between the new head of the Russian Church and the Autocrat were further clarified by a series of laws beginning with that of May 11, 1722. On that day, Peter ordered the Synod to choose for itself a man who could become its ober-prokuror [high procurator], and do with regard to the Synod what the general procurator did with regard to the Senate.[81] In the writer's opinion, that was Peter's attempt to implement Pufendorf's idea concerning the need for inspectors to supervise the conduct of Church affairs.[82]

---

[78] Ibid., II, 346; IV, 1291.

[79] Ibid., II, 848.

[80] Ibid., I, 277; III, 1078.

At any rate the Holy Synod complied with the Tsar's wish on June 13, 1722.[83] A certain I. V. Boltin was given the following powers and duties:

(1) he had to be present at all sessions of the Synod, to see to it that all the affairs were transacted according to the laws and regulations, that no time was lost, that no extra-legal considerations entered into the deliberations of the Synod and that no questions were treated unless they came within the purview of the Synod's competence;

(2) he had to bring to the Synod's attention any irregularities he noticed in the proceedings, and if they were not corrected, he had to inform the Tsar, who would take the necessary action on his monthly or weekly visit to the Synod;

(3) he was responsible only to the Tsar and he was to be considered as the "Tsar's eye" in ecclesiastical affairs;

(4) he had exclusive authority over the Synodal chancery. Thus, the high procurator of the Holy Synod was the

---

[81] Polnoe sobranie zakonov... VI, 676, No. 4001; Voskresenskii, op. cit., I, 109-110.

[82] Pufendorf, De habitu religionis...(Bremen, 1692), pp. 208-211.

[83] Polnoe sobranie zakonov... VI, 721-722, No. 4036.

Tsar's watchdog. It is interesting to note that the procurator had no right to introduce questions, nor could he direct the discussions of the clergy. It may have been Peter's intention to let the office of high procurator lapse once the Holy Synod had become accustomed to its scope of action and had lost all tendency to attempt to recover the immunities and privileges of the defunct Patriarchs. Be that as it may, the fact is that the office was left vacant from July 14, 1726, to December 31, 1741.[84]

One consequence of having replaced the Patriarch as the head of the Russian Church by the Holy Synod seems to have been to give to the Tsar the same rights in the election of bishops as he had had formerly, only in the election of the Patriarch. The reasoning behind the change was probably the following: since any bishop in the Russian Church could be chosen as a member of the Synod, and since the Synod was the head of the Church, the Tsar should be able to continue exercising his privilege of selecting the man who would be head of the Church.[85] The new order of election of bishops consisted in having the Synod present two names to the Tsar, who made the definitive choice.[86]

The Holy Synod retained at least one prerogative which the Patriarch had enjoyed as head of the Russian Church: it interpreted the canon law of the Church. Two examples illustrate this point sufficiently. The first concerns some nuns of the Ascension convent in Moscow. Two former noblewomen were nuns in this convent. Their age, infirmities and former station in life recommended some slight indulgences forbidden by the Spiritual Regulation. The Synod showed itself humane and acceded to the request for a relaxation of the rule.[87] On the other hand, the Synod withdrew from the bishops the right to name the superiors of monasteries who would bear the title of archimandrite. Henceforth, all such nominations would be made by the Synod.[88]

---

[84] A. M. Ammann, Storia della Chiesa Russa, (Turin, 1948), p. 601.

[85] Supra,p. 60.

[86] Opisanie dokumentov i del... I, 318.

As the implementation of the decree which had named the Holy Synod the agency by means of which the Tsar controlled the actions of the non-Orthodox believers in his realm, an instruction went out from the Holy Synod to the governors of the provinces of Kiev, Smolensk and Riga. It ordered them to take the following measures with regard to the Catholic clergymen who entered the Empire from Poland and Lithuania:

(1) these clergymen must be sent under escort to Petersburg;

(2) no harm must come to them nor must they be mistreated;

(3) if they presented papers or passports indicating

---

[87] Ibid., II, 560-567.

[88] Ibid., III, 351-352.

that they were traveling to Moscow or to some other city, they must be told that the Tsar had decreed that all clergymen must first come to Petersburg to be registered with the Holy Synod.[89]

The picture of the Holy Synod as the protector of the privileges and immunities of the Church was, then, quite well defined by the time Peter died. Within the limits set by the Spiritual Regulation, the Synod granted exemptions and made the required petitions. It could not oppose the will of the Tsar the way the old Patriarchs had done, nor could it hope to rally to its support the masses of the Russian Orthodox believers, when it judged that the immunities and privileges of the Church were being slighted by the secular power. Whatever right or duty the Synod had as head of the Russian Church, it derived from the Tsar himself, who had created this new form of Church administration. The Synod's position, however, as one of the Tsar's agencies for the achievement of the common good, put at its disposal a number of bureaucratic channels through which it could act. Under this system, the privileges and immunities of the head of the Russian Church became more clearly defined, but they could not be defended so well as when the dignity of the Patriarch had taken them under its mantle.

Others, beside the head of the Russian Church, had immunities and privileges at the beginning of Peter's reign. The ecclesiastical persons of lesser rank felt the effect of the work of the Codification Commission of 1700, although the draft code was never promulgated.[90] Parts of the code began appearing in 1701 as particular laws. The first such laws tended to limit the privileges which the monks and nuns had hitherto enjoyed as subjects of the ecclesiastical sovereignty. One ukase forbade the monks from leaving their monasteries without a written permission from their superior. The same regulation also applied to nuns. The permission (when granted) was to state clearly to which monastery or convent the monks or nuns were being sent. The same law also reached within the monasteries themselves, by forbidding indiscriminate hospitality. It ordered out of the monasteries all the persons who were not tonsured. Moreover, within the monasteries, the monks were not to have ink and paper in their cells: all writing in the future would be done in the refectory, under the supervision of the superior.[91] As for the nuns, a law in 1701 told them that the girls who were living in the convents with their mothers, grandmothers or aunts had to leave and be married, unless they were willing to take the veil.[92] The personnel within the nunneries was further reduced in the same year, by an ukase which expelled all the servants and other persons who were not essential to the proper functioning of the convents.[93]

---

[89] _Ibid._, III, CCLXII-CCLXIII.

---

[90] For a discussion of this, see M. M. Bogoslovskii, *Pëtr I: Materialy dlia biografii* [Peter I: Materials for a Biography] (Moscow, 1948), IV, 192, 226-240.

[91] *Polnoe sobranie zakonov*... IV, 139-140, No. 1834; Voskresenskii, *op. cit.*, I, 454.

[92] *Polnoe sobranie zakonov*... IV, 168, No. 1856.

Still another category of ecclesiastical persons had their immunities and privileges curtailed by Peter's laws in the first years of the eighteenth century. The peasants and other non-clerical personnel who lived and worked on Church lands were told by a law of 1702 that their working arrangements must not bind them for periods in excess of five years. Moreover, they must not marry girls whose homes were in fortress-towns or on the estates of the nobility.[94]

Although the Tsar has not bothered to mention it anywhere, it seems probable that the purpose of the laws which have just been discussed was to limit as much as possible the number of the persons who could claim exemption from his taxes and from the military service which Peter's war with the Swedes made necessary. The Tsar's needs for men and money were increasing very fast as he prepared to avenge the disaster of Narva. Ecclesiastical persons had been traditionally immune from taxes and from military service. So...

The hypothesis of fiscal and military needs gets a measure of confirmation from an administrative order received by Kormchin in 1707. Kormchin was the Tsar's recruiting officer in Central Russia. The order told Kormchin to investigate the increase in the number of clergymen below the rank of priests and deacons. He was to gather information from the local lords, then enroll into the newly formed infantry and cavalry regiments all those whom he found not to be bona fide clerics.[95] The draft net got still tighter in 1711, when a law stipulated that the sons of priests and deacons, who had hitherto been exempted from military service, were to be drafted into the army the moment their way of life showed them to be unworthy of their calling.[96] No mention was made of how one decided that a young man's way of life showed him unworthy of his calling, but the law itself must be construed as a further restriction on the privilege of draft-exemption which had been enjoyed by all ecclesiastical persons at the beginning of Peter's reign.

---

[93] *Ibid.*, IV, 181-182, No. 1886.

[94] *Ibid.*, IV, 200, No. 1920.

In 1716, Peter the Great composed the Military Code [Voinskii Ustav] and added a Naval Code [Morskoi Ustav] in 1720. The sections dealing with the duties of chaplains are particularly revealing since they show the Tsar's conception of the place of the priest in the life of the country, his status and prestige.

---

[95] Pis'ma i bumagi... V, 35.

[96] Polnoe sobranie zakonov... IV, 668, No. 2352.

In the section of the Military Code entitled "On the Fear of the Lord", article 9 said:

> The liturgy must be performed in the camps every morning, and prayers must be said at noon and in the evening, as it has been established in the prayer books, with singing and prayers. All clerics must be present and to make this possible, at the beginning and at the end of the service of God, the Commanding General will order that the trumpets be blown and from regiment to regiment the drums will carry the message that the liturgy is beginning or finishing.[97]

Thus, the priests must always be present either to officiate or to assist at the religious services.

A little further, three articles furnished more details concerning Peter's conception of the place which the priest should occupy in society. Article 13 said:

> It is the duty of all officers and men to love and obey the priests and to let no one dare to revile them by word or deed. Whoever offends against this order will be punished according to the number of persons who might have been influenced by his behavior.

Article 14:

> The priests, established in the garrisons or with the regiments or anywhere, must lead a pure, sober and moderate life. If one of them should be found in error in his teaching or should be guilty of any crime or dishonorable or illegal activity, so as to become a

---

[97] Ibid., V, 321, No. 3006.

> source of scandal to others, he must be sent to an ecclesiastical tribunal and there receive punishment according to his guilt, losing his rank and dignity.

Article 15:

> When a priest has no valid reason, such as sickness, to refrain from celebrating the liturgy, he will pay over to the hospital one ruble for each of his abstentions. If he should be drunk at the time of God's service, he will be severely punished by the chief of chaplains with the army, but on the third offense, he will be turned over to an ecclesiastical tribunal to be stripped of his rank and dignity.[98]

The military chaplain, then, was entitled to special respect from the officers and men. He must, however, merit this respect by his exemplary life and conduct. Any infraction by a priest was severely punished; he could even be reduced to the lay state. The penalties must be imposed by an ecclesiastical tribunal, but they were determined by the Military Code, which was the Tsar's law. In other words, the Tsar considered the Church courts as a branch of his own judicial system, with a special responsibility for ecclesiastical persons, just as the military tribunals were responsible for the citizens who were in the armed forces. Thus, the Military Code did not suppress entirely the immunity from the Tsar's laws which the priests had enjoyed, but it limited it considerably, by allowing the Tsar to establish statutory penalties for certain offenses.

The Naval Code added a few interesting details regarding the place of the priest in the armed forces afloat. Book III, Chapter IX contained four sections on naval chaplains.

---

[98] _Ibid_., V, 323-324, No. 3006.

Section I said:

> The chief chaplain is to be on the commanding officer's ship, and he will have authority over all the priests attached to the fleet, with the power to punish them according to their crimes and misdemeanors, as stipulated in ecclesiastical law.

Section II:

> There will be a chaplain on each ship. His life on board must be a constant encouragement to a better Christian life for all.

Section III:

> Every ship will have a chapel. The priest must celebrate the liturgy on Sundays and holy days, weather permitting, and give a sermon or at least read from the Scripture. On other days, he is to officiate at the prescribed prayers.

Section IV:

> The chaplain will visit the sick and try to bring them to receive the sacraments before dying. The chaplain must inform the captain about the condition of his patients.[99]

Book IV, Chapter I had two sections which dealt with chaplains.

Section XIII said:

> When the priest brings the Blessed Sacrament to a sick man, every officer on board must accompany him, cap in hand, and must not sit or stand in such a place as to have his head above that of the priest until the ceremony is finished. The officers must also see to it that no games are going on at the time or noises of any kind. They must not smoke, but take part in the ceremony in silence.

Section XVI:

> When the priest is absent from the ship, the ordinary prayers will be read by the yeoman, and if he too is absent, then by someone else appointed for

---

[99] *Ibid.*, VI, 42-43, No. 3485.

that purpose.[100]

There was little enough in those six sections from the Naval Code concerning chaplains to indicate that the priest had any special privileges or immunities. The nature of his duties required that the Code give him special attention, just as the doctors came in for special attention, because of their duties, but it would not be overstating to say that the chaplain was just a member of the crew, without even the privileges of an officer.

Pufendorf's suggestions for the abolition of privileges and immunities had not been explicit enough, where the lower ranks of the clergy were concerned, to allow these samples of Petrine legislation in the field of Church-State relations to be compared to any precise prescription, except the most general, "Also the burdens must be distributed in due proportion, and no immunities conceded to some citizens, to the loss and oppression of the rest."[101]

The twentieth article of the same Military Code did not deal with chaplains, but it struck at the very root of the privileges and immunities that priests had enjoyed at the beginning of Peter's reign. That root had been the idea of Byzantine dualism, with the ecclesiastical persons as subjects of the spiritual authority. The new code said:

---

[100] Ibid., VI, 49, 51, No. 3485.

[101] Pufendorf, De officio (1927), II, 123.

> His Majesty is a monarch autocratic, who has not to give a reason for his actions to anybody on earth, but has the power and authority, as a Christian sovereign, to administer his state and country according to his own will and discretion.[102]

Thus, the Military Code rejected the pretention of the Patriarch to hold the Tsar responsible for his actions.[103] In shaking off the restraints placed on the Tsar and Autocrat by the notion of a pretended dual sovereignty, Peter the Great used expressions which were similar to those of Pufendorf who had said that the supreme authority in any state operated "according to its own judgment and discretion".[104] He had also mentioned that the supreme authority was "not bound to render account to any human being".[105] Pufendorf had concluded:

> Lastly, the supreme authority has a special sanctity, so that not only is it wrong to resist its legitimate commands but also the citizens must patiently bear with its severity, just as the peevishness of parents is borne by good children.[106]

The reference which Pufendorf makes to children and severe parents finds a curious parallel in an ukase, dated November 5, 1723, dealing with the erection of new factories. In this law, Peter likened the Russian people to children who refused to learn their letters and who had to be compelled by their superior to do what was in their best interests. Later, it was said, the children would thank their hard taskmaster.[107] There may be nothing more than coincidence in this parallel, but it is interesting to see how the very similes used by Pufendorf appear in the laws of Peter the Great.

---

[102] Polnoe sobranie zakonov... V, 325, No. 3006.

[103] Supra, pp. 18-19.

[104] De officio (1927), II, 116. Also, supra, p. 32.

[105] Ibid.

[106] Ibid.

To get back to the chronological presentation of Peter's onslaught on the privileges and immunities of the lower clergy,--there was an important part of the Spiritual Regulation which consisted of details affecting ecclesiastical persons of the lower ranks. Peter used the simple expedient of enumerating their future duties and obligations as a means of abrogating their privileges and immunities.

In the present study, the critical text of the Regulation is being used, and for the sake of simplicity, the two parts have been treated as a whole.[108] Since all the references in the next few pages are to this critical text, the page numbers have been placed in parentheses in the text itself.[109]

The Spiritual Regulation made the following points concerning the duties, privileges and immunities of bishops: (1) they must study and know the canons of Church Law (p. 39); (2) they must learn and apply the rules concerning matrimonial impediments (p. 39); (3) they must reside in their eparchy or diocese (pp. 39-40); (4) when age or illness overtakes them, they must ask to be relieved of their duties (p. 40); (5) they must not let the dignity of their position blind them to the fact that a shepherd's life is dedicated to the welfare of his flock (pp. 42-48); (6) to assure the welfare of their flock, the bishops must watch over the orthodoxy of the faith and the purity of the morals in their diocese (p. 40); (7) they must visit all the parishes in their diocese (pp. 48-51); (8) they must not ordain superfluous clergymen (p. 92); (9) they must police their clergy (p. 93); (10) they must help their priests arrive at correct solutions in the questions which concern the consciences of the faithful (pp. 85-89); (11) they must pronounce the sentences of divorce (p. 94); (12) they must report every year to the Spiritual College on the status and condition of religion in their diocese, with a special mention of the schismatics [Raskol'niki] (pp. 39-40, 68-69); (13) they must hale before their tribunals the laymen who are accused of the crimes of blasphemy and opposition to the Church as well as those accused of scandalous sin, and impose upon them the punishment foreseen by ecclesiastical law, even up to excommunication, after consulting the Spiritual College on the latter point (pp. 58, 68, 89); (14) they must try and punish the clergy for misconduct and for all other spiritual crimes, even to suspending them from their offices and unfrocking them (pp. 92-93).

---

[107] Polnoe sobranie zakonov... VII, 150, No. 4345.

[108] Supra, p. 97.

[109] Verkhovskoi, op. cit., II, Part I, 12-105.

In reading this enumeration, one thinks of Pufendorf's remark that the Christian religion was useful to a prince because it obliged the citizens to be faithful in circumstances which could not be controlled by human laws.[110] All of these provisions with the possible exception of the fourth, concerning the replacement of old or ailing bishops, had been known to the members of the hierarchy before the promulgation of the Spiritual Regulation, but inserting them in the laws of the land gave the supreme civil magistrate the right to supervise their execution. In other words, as a result of the Spiritual Regulation, the privileges, immunities and duties of the bishops derived from the civil power, whereas, formerly they came from tradition, as embodied in the Statute of Vladimir, and from custom, as embodied in the Councils of the Russian Church.

The Spiritual Regulation also contained prescriptions for the parochial clergy, for the monks, for the nuns, for the superiors of monasteries and convents.

Concerning the parochial clergy, the Regulation said: (1) that they must show themselves worthy of their calling by their intellectual and moral virtues (pp. 83-84, 93); (2) that in hearing confessions, they must not impose inordinately severe penances, but exhort the sinners to contrition (pp. 84-85, 89); (3) that they must not reveal the contents of a confession even in a quarrel (p. 85); (4) that they must inform the competent authorities of the projects made against the Tsar and the government by unrepentant sinners (pp. 85-87); (5) that they must inform their religious superiors whenever rumors of false miracles were being circulated (pp. 87-89); (6) that they must consult their superiors when at a loss for what to answer to their penitents (p. 89); (7) that they must refuse the sacraments to the schismatics [Raskol'niki] and not allow them to take part in the religious ceremonies, nor even to live on the territory of their parishes (pp. 84, 89-91); (8) that they must abstain from celebrating the liturgy in places dedicated to wonderworkers whose titles to sanctity have not been controlled by the hierarchy (p. 91); (9) that they must refrain from bargaining over the price to be paid for the ministrations they render (pp. 91-92); (10) that they must stay in the parish assigned to them (pp. 92-93); (11) that they must abide by the sentences of the tribunals even when it meant giving up their offices and functions (p. 92); (12) that they must keep accurate records of births and deaths (p. 92); (13) that they must live in the home and on the land assigned to them and to their families (pp. 84, 92).

---

[110] Pufendorf, Einleitung... (Sayer), II, 73.

As in the case of the bishops, these prescriptions had already been promulgated by Peter's particular laws, prior to 1721, or they had been customary in the Russian clergy. Including them in the Spiritual Regulation just meant that in the future, they would be objects of civil as well as ecclesiastical obligation.

The parts of the Spiritual Regulation which dealt with the monks contained much more that was new. Pufendorf warned his disciples against the monks and described how they had been used by the Popes as the "shock troops" of independent Church power.[111] The Regulation being a law made by the supreme civil magistrate to regulate Church-State relations, it followed that Pufendorf's warning would not be lost upon Peter the Great.

Concerning monks, the Regulation said: (1) no person may be tonsured as a monk before having reached the age of thirty, to prove that he can live in continence (p. 94); (2) no person under military obligation, especially no deserter may be tonsured (p. 94); (3) no serf may be admitted to a monastery, unless his lord has emancipated him and unless he is able to read and write, or unless an express order from the sovereign or from the Synod to that effect has been received (p. 94); (4) no married man whose wife is still living, may become a monk, especially if he has given her permission to remarry; if a husband and wife are both desirous of embracing monastic life, all the circumstances of the case have to be well considered: have they reached the legal age? do they leave behind them children? how are the children to be provided for? (pp. 94-95); (5) no person may be accepted in a monastery if he is a civil servant, a debtor or a fugitive from justice (p. 95);

---

[111] Ibid., II, 89-90, 106-107, 84-86. Also, supra, p. 76.

(6) once admitted into the monastery, the new monk must be treated like all the other brothers and not granted any privileges which the others do not enjoy, just because he claims that he bought these privileges with the money he turned over to the monastery (pp. 95-97); (7) a three-year period of novitiate under the guidance of an experienced monk is required before anyone's status as a monk becomes permanent (p. 96); (8) all monks must confess their sins and receive Holy Communion during the fasts, i.e. four times a year (p. 97); (9) the monks must avoid idleness and be employed in useful work (p. 97); (10) women visitors must be received in a common room of the monastery and in the presence of more than one monk (p. 99); (11) monks must be made to study and read the Bible assiduously: the more learned must explain it to the others (p. 99); (12) the superiors of monasteries must be chosen for their eminence in the religious life, for their knowledge of the Sacred Scriptures and Church laws and for their zeal for the salvation of their brethren (p. 103); (13) the superiors of monasteries must put in fetters and employ in the most arduous tasks the monks who travel about without a permission in writing (p. 103); (14) the superiors must keep records of all those they admit into the monastic life with entries indicating the name, former condition and date of tonsure (p. 103); (15) the superiors must provide a priest approved by the bishop for the confessions of the monks and not insist upon hearing the confessions themselves (p. 104);

(16) the superiors who accept bribes to make a favorable report to the bishop on an aspirant to the monastic life will be deprived of their office and reduced to the rank of simple monks (p. 104); (17) the superiors must not use their position of authority in a monastery to enrich their friends and relatives (p. 104).

This imposing array of rules falls naturally into two parts: (1) the rules aiming at specific shortcomings in the monastic life of Russia in the first quarter of the eighteenth century, and (2) the rules aiming at a reduction in the number of monks. The first group of laws already existed and the Regulation just repeated them. The other group represented the culmination of a concerted effort to prevent the growth of monasteries, as called for in Pufendorf's suggestion concerning the abolition of immunities and privileges.[112] Much more will be said about this in the chapter on the Church as an economic institution, because the question was closely tied to the lands and serfs of the Church. For the moment, one has only to remember that the Spiritual Regulation of Peter the Great made the recruiting of monks so difficult that there was little danger of the Russian monks' becoming the "shock troops" of any spiritual sovereignty.

The Spiritual Regulation also contained some rules which particularly affected nunneries. After a general announcement that the nuns were bound by all the prescriptions made for the religious life of the monks, the following were added by the Regulation: (1) nuns must never leave their convent under any pretext, only the priest-confessor may penetrate into the cloister (p. 100); (2) if a convent should find itself obliged to take part in a lawsuit or to present a petition in the capital, it should request the bishop in the first case, and the Synod in the second, to appoint an attorney to look after the affairs of the convent (pp. 100-101); (3) nuns must have a specially screened place in which to stand at Church (p. 101); (4) no nun must be given the veil before the age of sixty; a younger woman with an inclination toward monastic life must be tried under the supervision of an old and prudent nun, until she reaches the required age; meanwhile, if her resolution should falter, she must be at full liberty to leave the monastery and marry (p. 101). The motive for these stringent rules, regarding the entrance of women into the convent, was to restrain the growth of the convents, just as in the case of the men's monasteries. According to the Spiritual Regulation there were so many barriers between the cloister and the ordinary life of society that only the most determined women could hope to find their way into the nunneries. Pufendorf had not mentioned nuns and convents in his suggestions, but Peter or his adviser in these things, Feofan Prokopovich, must have reasoned that economically speaking, it did not matter much whether men or women administered the institution which claimed exemption from the Tsar's taxes for its land and serfs.

---

[112] *Supra*, p. 76.

At this point, one might rightfully ask "Why did Peter go through the trouble of putting all these details into the Spiritual Regulation, whose prime purpose was to transfer the headship of the Russian Church from the Patriarch to the Holy Synod"? The documents do not give an answer, but the writer thinks it probable that the importance of the Regulation must not be measured only in terms of its novelty. The laws which had gone into effect over a period of twenty years and which were being repeated in the Regulation, had just about abolished all the ecclesiastical privileges and immunities, before the promulgation of the Regulation. But these laws were scattered in time and their cumulative effect was not felt so directly as the advice of Pufendorf seemed to require. Promulgating them with pomp and ceremony, as the articles and sections of a general ecclesiastical constitution, made them better known and easier to refer to.

How did the Holy Synod protect what was left of the immunities and privileges of the ecclesiastical persons who ranked below the head of the Russian Church? In general, it can be said that the Synod managed to retain a number of local, particular privileges and immunities for the ecclesiastical persons, but that, whenever the ecclesiastical persons as a social group were in question, the Synod yielded to the Tsar. On July 31, 1721, for example, the children of the parochial clergy were informed by the Holy Synod that the Tsar considered them as obligated to begin their military service between the ages of fifteen and twenty.[113] On the other hand, the Synod obtained for the clergy of Petersburg a very welcome immunity. As of October 1, 1723, the clerics of the capital would be exempt from the following obligations: (1) to quarter the soldiers of the garrison, (2) to stand night watch, and (3) to be on call for fire duty.[114] In the same vein, the Synod took cognizance of a petition from a nun in a Moscow monastery. The petition said that Margarita Potëmkina had been forced into the convent against her will by her father. The Synod granted her relief in the form of an order to leave the convent and even added that she could marry if she so desired.[115]

---

[113] Opisanie dokumentov i del... I, 500-501, CCXXXI-CCXXXIV.

[114] Ibid., III, 526-528.

[115] Ibid., IV, 221-223.

Such were the privileges and immunities of the ecclesiastical persons in the last years of Peter's reign. One immunity alone set the ecclesiastical persons apart from the mass of Peter's subjects. In 1701, the Tsar himself, had exempted the clergy from the law which required Western dress to be worn by all his subjects. The clergy would be allowed to continue wearing the beards and the robes which were forbidden to the rest of the Russian citizens.[116]

It can be said in summary, that Pufendorf suggested a system of Church-State relations in which no citizen would be granted immunities or privileges. The authority of the supreme civil magistrate was supposed to weigh equally on one and all. This meant that whatever authority the Church might have, would derive from the supreme civil magistrate. To prevent any rivals for the allegiance of his subjects, the sovereign should require an oath of allegiance to himself from the ecclesiastical persons. The supreme civil magistrate should also oversee promotions in the ecclesiastical hierarchy, just as he supervised all the other agencies which derived their authority from himself. Finally, the monks must not be allowed to develop in number because history, according to Pufendorf's reading of it, showed that the spiritual sovereign used the monks as his standing army.

---

[116] _Polnoe sobranie zakonov_... IV, 182, No. 1887.

By the time Peter died, he had set up the legal and institutional machinery necessary to attain fully the goal of each and every one of Pufendorf's suggestions. The Holy Synod had replaced the Patriarch as the head of the Russian Church. It was a creature of Peter's Spiritual Regulation and derived its authority from the Tsar, instead of from tradition and custom. The high procurator, the "Tsar's eye in ecclesiastical affairs", saw to it that everything went according to the Tsar's wishes in the councils of the Church. The bishops were chosen by the Tsar; they swore allegiance to him and to his heirs and promised to do everything in their power to prevent any diminution of the Tsar's prerogatives. The lesser ecclesiastical persons were subject to military service and were obliged to pay the Tsar's taxes. The number of monks and nuns had been cut down, and the barriers erected against any new expansion of monasticism seemed to be numerous and effective.

The privileges and immunities treated thus far were those of the personnel of the Church. The Russian Church, as an institution, also had privileges and immunities--judicial privileges, economic immunities, educational prerogatives and a monopoly of welfare work. Pufendorf had something to say about those too. If Peter wished to follow Pufendorf's lead, the Church reforms still had much ground to cover.

* * *

Chapter III-The Church as a Judicial Institution.

The dual authority which Patriarch Adrian had claimed for the Russia of 1690 may not have been accepted by everyone as a statement of fact, but as one looks at the judicial institutions which existed in those last years of patriarchal rule in the Russian Church, it must be admitted that the old hierarch had hewed close to the truth.

Section I-The Church Judiciary System under Dual (?) Sovereignty.

The immunity from the common law of the realm which the ecclesiastical persons enjoyed at the beginning of Peter's reign supposed the existence of a system of Church courts in which ecclesiastical law was applied to these persons. This in turn implied that, at that time, jurisdiction was determined by the character of the persons involved in legal actions and not by the nature of the case. Despite the apparent truth of this inference, the judicial picture at the beginning of Peter's reign was not so clear as one might think.

As in the case of the immunities and privileges of ecclesiastical persons, the fundamental document to be consulted in determining which tribunal had jurisdiction in a particular case was the Statute of Vladimir. There it was stated:

> The matters which appertain to ecclesiastical jurisdiction are as follows: (1) divorce, adultery, suits between married persons on the subject of property, rape, incest, magic, poisoning, witchcraft, incantations; (2) accusations of three kinds:

> fornication, poisoning and heresy; (3) the investigation of the following transgressions and offenses: biting, striking of parents, disputes between children and brothers- and sisters-in-law on the subject of the property of any person deceased, legacies, sacrilege, robbing of the dead, mutilation of the cross, doing injury to the walls of a church, polluting a church by the introduction of cattle, dogs and birds and other unbecoming actions in the church, the mutilation of a man by the wife of his adversary, sodomy, worship of heathen gods in retired places, in groves and by streams, and lastly, child murder. In all these cases, the Church is to pass judgment, and the Prince and his boyars and judges shall not take cognizance of such judicial matters.[1]

In other words, when the object of a criminal or civil action was one of the things just enumerated, the Church had jurisdiction. The status of the parties involved did not matter. On the other hand, any crime or misdemeanor committed by an ecclesiastical person automatically fell within the jurisdiction of the Church's court system, with the exception of murder, robbery and brigandage, and this on the strength of another section of Vladimir's Statute which defined the privileges and immunities of ecclesiastical persons.[2]

Some of the items of Vladimir's enumeration, with their Old Testament flavor, became obsolete as the barbarism of eleventh century life gave way to Christian ethics, but by and large, the will of Vladimir was respected by his successors, even when the sceptre had passed into the hands of the Romanov dynasty. The court records of the seventeenth century show the judge of the patriarchal court deciding civil and criminal cases involving Church peasants and punishing clergymen from the monasteries and from the parishes.[3] The number of persons who enforced the sentences of the ecclesiastical tribunals and worked in the Church's chanceries rivalled the bureaucracy of the Tsar.[4] The judicial activity of the Church went on unabated while the Patriarch was dying in 1700.[5] In fact, in the last years of the seventeenth century, the fines levied by the Church tribunals for offenses and transgressions against ecclesiastical law were so numerous and they represented so much money that a racket--in the modern sense of the word--developed around the Church courts. In Western Siberia especially, newly arrived farmers and craftsmen were victimized by women and girls, who accused them of rape or attempted rape. A semblance of truth was lent to the charge by the fact that most of the men involved had come to the new lands without their wives and families. When a hearing before the ecclesiastical judge had been set, the women would offer to drop their charges for a monetary consideration.[6] This form of extortion reached such proportions that to put an end to the evil it took no less than an ukase from the Tsar[7] and an instruction from the Patriarch.[8] The ukase and the instruction were promulgated in 1697.

---

[1] Pamiatniki Russkogo Prava [Memorials of Russian Law] (Moscow, 1952-1956), I, 238.

[2] *Ibid.*, p. 244.

---

[3] *Akty istoricheskie, sobrannye i izdannye Arkheograficheskoiu Komissieiu* [*Historical Acts, Collected and Published by the Archeographical Commission*] (St. Petersburg, 1841-1844), II, 355; *Akty, sobrannye v bibliotekakh i arkhivakh Rossiiskoi Imperii arkheograficheskoiu ekspeditsieiu imp. Akademii Nauk* [*Acts, Collected from the Libraries and Archives of the Russian Empire* by the Archeographical Expedition of the Imperial Academy of Sciences] (St. Petersburg, 1836-1838), II, 223.

[4] *Akty istoricheskie*... IV, 178.

[5] *Dopolneniia k aktam istoricheskim, sobrannye i izdannye Arkheograficheskoiu Komissieiu* [*Supplement to the Historical Acts, Collected and Published* by the Archeographical Commission] (St. Petersburg, 1846-1850), XI, 223.

Although not very edifying, this little episode underlines two facts: (1) the scope of the Church's judicial activity had not diminished during the first years of Peter's reign, at least in Siberia, and (2) the competence of the Church's tribunals had not changed much since the time of Vladimir.

To be perfectly valid, the two points just made would have to be bolstered by a review of the ecclesiastical judicial system from the time of Vladimir's "Statute" down to the beginning of Peter's reign. Since the point is incidental to the main line of interest of this study, no attempt is made to trace the evolution of the ecclesiastical tribunals. The materials necessary for such a study are contained in the bibliography presented at the end of this essay. (If the time should present itself, the writer means to pursue this point in the future.)

---

[6] *Akty istoricheskie*... V, 224, 273, 290; *Akty, sobrannye v bibliotekakh*... IV, 295.

[7] *Polnoe sobranie zakonov Rossiiskoi Imperii s 1649 g.* [*Complete Collection of the Laws of the Russian Empire from 1649*] (St. Petersburg, 1830-1916), III, 404-405, No. 1601.

[8] *Ibid.*, III, 413-424, No. 1612.

The close collaboration between the Tsar and the Patriarch in 1697, in the case of extortion, was the last of a long series of instances of the Tsar's growing role in ecclesiastical judicial activity. According to the prescriptions of Vladimir, the Tsar and his officers and judges should have left the Church alone to deal with the problem of the false accusations of rape. It was especially in cases involving heresy, however, that the Tsar intervened most often, as the seventeenth century rolled along. The whole process was probably touched off by the spread of the Raskol'nik [schismatic] movement. The Raskol represented not only a doctrinal deviation from the official teaching of the Russian Church, but also a serious disaffection in a great number of citizens. In prosecuting a heretic, the Tsar usually took the initiative--though not always--and had some form of ecclesiastical punishment meted out by the suitable tribunal.[9] In 1681, Tsar Fëdor Alekseievich expanded this sphere of action by reserving for himself the punishment of those who perjured themselves while trying to hide their heterodox opinions.[10]

To understand the meaning of an independent, ecclesiastical judicial system, one must grasp the difference between

---

[9] Ibid., I, 699-700, 774-800, Nos. 412, 441.

[10] Akty istoricheskie... V, 75.

Church law and the law of the realm. As to origin, particular Church laws or ordinances varied from diocese to diocese. Laws for the entire Russian Church were made by the Patriarch in council. Laws for both the State and the Church were made in general assemblies called sobory. The secular assembly was called the zemskii sobor [assembly of the land], while its ecclesiastical counterpart was a plain sobor, such as the Sobor 1667 goda [Council of 1667]. As to content, the main difference between ecclesiastical law and the civil law of Russia was that the former took more account of the circumstances of time, place and persons. A bishop was not bound to follow in detail the prescriptions made by his neighbor. If he judged that his diocese differed enough to warrant divergences in detail, he could indulge in little acts of nonconformity. Since laws were usually concerned with details and not with great issues--in which the bishops were bound by the canons of the universal councils and by the jurisprudence of the Church--it was a definite advantage to a Russian citizen to be subject to a bishop's laws rather than to those of the Tsar and Autocrat.

Most of the remarks made thus far in this section have tended to underscore the independence of the Church's judicial activity as well as its scope and variety. The picture one derives from a closer scrutiny of court practice at the time is somewhat less clear. In fact, if court practice were studied alone, one might conclude that the ecclesiastical court system was really nothing more than a prop for the prestige of the Russian Church and a source of revenue. The documents which follow are examples of the interpenetration of secular and ecclesiastical jurisdiction.

In 1649, the military governor of a district [*uezd*] in Western Siberia had promulgated one of the Tsar's laws which ordered:

(1) that all citizens with their wives and children attend Church services on Sundays and holy days;
(2) that in church, they stand quietly and not talk while the service lasted;
(3) that they listen to the monitions of their confessors;
(4) that they avoid drunkenness and games with overtones of superstition;
(5) that they refrain from calling old witches to the bedside of their children;
(6) that they refrain from searching to determine the first day of the new moon.[11]

This was a civil law from the Tsar, to be enforced by the secular tribunals, not a directive from one of the bishops. Items (4), (5) and (6) refer to the popular superstitions which were dealt with in the Spiritual Regulation and which will be discussed at length in Section III of Chapter V.

On the other hand, the *Ulozhenie* [Code] published in the same year (1649), turned over to the Patriarch's courts those who committed the crime of selling a Russian citizen to a Moslem master.[12] One bishop menaced those who disregarded Church discipline not only with the wrath of God and the censures of the Church, but also with the anger of the Tsar.[13] On his side, the Tsar handed down sentences which banished laymen to monasteries, where they were tonsured and became subject to monastic discipline.[14]

---

[11] *Ibid*., IV, 35.

[12] *Ulozhenie Gosudaria, Tsaria i Velikago Kniazia, Alekseia Mikhailovicha [Code of His Majesty, the Tsar and Grand Prince, Aleksei Mikhailovich]* (St. Petersburg, 1913), p. 319.

The confusion between secular and ecclesiastical jurisdiction was further increased by the Church's use of corporal punishment. A bishop ordered the children of the clergy to be beaten with rods for refusing to study and he applied the same remedy to the parishioners who were disorderly during the liturgical service.[15] A law, dated 1689, even went so far as to instruct the confessors to have their recalcitrant penitents beaten with rods and, if they persisted in their evil ways, to exile them to Olonets, in the far North.[16]

The most serious and solemn sentence pronounced by an ecclesiastical tribunal was excommunication. The excommunicated person was not allowed to attend church and he was deprived of the ministrations of the clergy. Even this extreme ecclesiastical censure was open to "secular considerations", in the second half of the seventeenth century. The clearest example of an excommunication pronounced for exclusively religious reasons, after a trial which had not been marked by secular ingerence, may well be that of the subdeacon, Tolmachev, in 1681. From what the writer has been able to find, the case of Tolmachev was exceptional. The Patriarch excommunicated him "for conduct unbecoming a member of the parochial clergy" and deprived him of the revenue and other appurtenances of his office. Then, all the churches were warned that this man must not be allowed to take part in the singing of the liturgy. No clergyman was to receive him in his home or visit him in the home of anyone else. The Patriarch alone, it was said, could lift the censure imposed on Tolmachev.[17]

---

[13] Dopolneniia k aktam... II, 92.

[14] Ibid., IV, 99; Akty istoricheskie... V, 253, 278; Akty, sobrannye v bibliotekakh... IV, 154.

[15] Akty istoricheskie... IV, 354.

[16] Ibid., V, 177.

Much more typical of the confusion between the secular and the ecclesiastical jurisdiction was a case in Western Siberia in 1697. There, the metropolitan had placed his personal interdict on the church where the military governor and his son worshiped. It seems that the official and his son had not observed some points of ecclesiastical discipline. Although the sentence bore heavily on the innocent people of the locality, who were deprived of religious services through no fault of their own, the metropolitan stuck to this decision. He even had one of his clerks beaten with rods for having accepted a petition from the governor who was trying to get an explanation of the metropolitan's order.[18]

---

[17] _Akty, sobrannye v bibliotekakh_... IV, 24.

[18] _Dopolneniia k aktam_... XII, 86.

The confusion between secular and ecclesiastical jurisdiction became complete, when the Tsar began to use the monasteries as prisons and places of torture. As long as those sentenced to live in monasteries had been compelled to follow the life and the discipline of the monks, it had been still possible to draw the line between ecclesiastical and secular jurisdiction, and the notion of ecclesiastical person kept some meaning. But, when the monasteries began to serve indiscriminately as jails and places of torture,[19] it became futile to continue looking for a distinction in practice between the jurisdiction of the Church and that of the Tsar. A theoretical distinction could still be made because the texts which contained the basis of the distinction were still on the books, but the confusion existing in court practice stripped it of real meaning.

Formally, the Church had the following judicial organs in 1700: (1) the *Patriarshii Sudnyi Prikaz* [Patriarchal Judicial Department], (2) the *Patriarshii Kazënnyi Prikaz* [Patriarchal Financial Department], (3) the *Patriarshii Dvortsovyi Prikaz* [Patriarchal Household Department], (4) the *Prikaz Tserkovnykh Del'* [Department of Church Affairs].[20]

---

[19] A monastery in Suzdal was particularly well known as a place of torture. *Vide*, *Russkii Arkhiv* [Russian Archives] (Moscow, 1875), No. 12, p. 452. Also, *Akty*, *sobrannye v bibliotekakh*... IV, 154; *Dopolneniia k aktam*... X, 110.

[20] N. F. Kapterev, *Svetskie arkhiereiskie chinovniki v drevnei Rusi* [Lay Episcopal Officials in Old Russia] (Moscow, 1874), pp. 188-236.

Although only one of these had the word "judicial" in its title, they all had a share in the judiciary activity of the Church, each one deciding cases of a more or less definite character. Constitutionally, these courts were independent from the Tsar's judicial system, but when the Ulozhenie had instituted the Monastyrskii Prikaz [Monastery Department], it had transferred to the new organ many of the prerogatives of the Church courts. In the secular judicial system, the Monastery Department was a subdivision of the Great Court [Bol'shoi Dvorets].[21] When the Monastery Department had been suppressed in 1677,[22] and the ecclesiastical court system restored, no word had been said about breaking the tie between the defunct Monastery Department and the Great Court. There were thus grounds for thinking, in a purely formal sense, that the ecclesiastical courts were subordinated to the Great Court between 1677 and 1700, at least for that part of their competence which they had recovered from the Monastery Department. The actual confusion which existed in court practice at the time seems to have made such legal niceties appear very futile indeed.

The writer calls this state of affairs confused because it does not correspond to the clear, modern division between "secular" and "religious" concerns. It must not be forgotten, however, that Byzantine dualism allowed much more overlapping of the secular and the ecclesiastical spheres, than could possibly be tolerated under the regime of separation of Church and State.

---

[21] M. I. Gorchakov, Monastyrskii Prikaz, 1649-1725 gg. [The Monastery Department from the Year 1649 to the Year 1725] (St. Petersburg, 1868), p. 89.

[22] Polnoe sobranie zakonov... II, 148, No. 711.

The suppression and restoration of the patriarchal courts in the second half of the seventeenth century seem to have had little effect on the courts which each bishop had in his diocese. No precise text can be advanced as foundation for this affirmation, but it is an immediate inference from the laws which will be discussed in the third section of this chapter.

The most important person in the ecclesiastical judiciary at the beginning of Peter's reign was the chief of the Patriarchal Judicial Department. He was selected by the Patriarch[23] or by the Tsar,[24] (there seems to have been no set rule), from the list of the Tsar's boyars[25] or from the Patriarch's boyars.[26] In 1698, a monk by the name of Bulgakov, had been appointed to this position by the Patriarch.[27] According to the documents of the time, the head of the Patriarchal Judicial Department had administrative duties of an economic nature (which will be discussed in another chapter), and acted as judge in civil and criminal suits involving Church peasants, clergymen from the eparchy (diocese) of the Patriarch and from the monasteries immediately subject to the Patriarch. He also had the duty of watching over ecclesiastical discipline. His tribunal was a court of first instance for the persons immediately subject to the Patriarch, and a court of appeals for the persons directly subject to one of the "exempt" monasteries, i.e. exempt from the jurisdiction of the local bishop. Appeals from this court went before the Duma [Council] of Boyars with the Tsar presiding. Even in criminal cases, the officers of the Tsar were supposed to leave a free hand to the chief of the Patriarchal Court, except in instances of murder, brigandage and robbery. The officials of the Pomestnyi [Estate] Department and those of the Great Court seem to have had some rights in the cases which came up before the Patriarchal Court, but the writer has not been able to find a clear formulation of those rights.[28]

---

[23] M. I. Gorchakov, O zemel'nykh vladeniiakh vserossiiskikh mitropolitov, patriarkhov i sv. sinoda [On the Domains of the All-Russian Metropolitans, Patriarchs and the Holy Synod] (St. Petersburg, 1871), Appendix, p. 112.

[24] Akty istoricheskie... II, 355.

[25] Ibid.

[26] Akty, sobrannye v bibliotekakh... II, 323.

[27] Supra, footnote 23.

Thus, the relatively clear distinction between an independent, ecclesiastical judicial system and the secular system of the Tsar, which can be made from the texts of the time, was in large part destroyed by court practice. The confusion existing between the secular and the religious spheres was probably due to Byzantine dualism.

---

[28] Akty istoricheskie... IV, 215; V, 157.

Whether or not one attached much importance to Byzantine dualism, two things were very much in evidence in Russia, at the moment of the Patriarch's death in 1700: (1) an important group of Russians, the ecclesiastical persons, were subject to the laws of the Church, while the rest of the citizens were subject to those of the Tsar and Autocrat, and (2) there were two judicial systems: one to apply Church law and the other to apply the law of the realm. Each system had its own courts, law enforcement officers and bureaucracy. The Tsar had been gaining a foothold in a number of areas which had been traditionally reserved to the Church courts, probably because the Raskol had grown from a doctrinal deviation into a movement of civil disobedience, which affected a significant fraction of the population.

Section II-Pufendorf Says: "One Sovereign, One Judicial System".

The parallel judicial systems of Russia at the beginning of Peter's reign were objectionable, in principle, to any statesman with sympathies for Pufendorf, because they stemmed from a notion that subtracted something from the absolute sovereignty of the civil magistrate. Pufendorf and his disciples did not mean to bury the monarch under an avalanche of legal actions. They did mean, however, that any delegation of authority, including the judiciary, should not lead to a division of the sovereign power. On this subject,

Pufendorf had said:

> Furthermore, controversies very often arise in regard to the right application of the laws to single acts, and, if a violation of law is claimed, many points are encountered which have to be carefully weighed. Consequently, that peace may be maintained among the citizens, it is the duty of the supreme authority to hear and decide the suits of its citizens, to examine the acts of individuals, which are charged with being contrary to law, and to pronounce and execute a sentence in conformity with the law.... Again, the affairs of a large state, whether in time of war or of peace, cannot be administered by one man without ministers and magistrates. Consequently, the supreme authority must appoint men in its place to examine the controversies of citizens, to discover the intentions of neighbors, command soldiers, collect and disburse the resources of the state and finally to look out for the interest of the state everywhere. And the possessor of supreme authority has the power and obligation of compelling these men to do their duty, and of demanding an account of what they have done.[29]

Pufendorf had also clearly explained what he understood by delegated authority, when he said:

> Furthermore, although a single prince is not equal to the task of carrying on directly all the business of a large state, so that of necessity ministers must be called to share his cares, nevertheless, just as the latter borrow all their authority from the ruler, so the responsibility for their doings, both good and bad, still remains his in the end.[30]

Thus, all authority, judicial as well as military and administrative, had to derive from the supreme civil magistrate.

---

[29] S. Pufendorf, *De officio hominis et civis secundum legem naturalem libri II* [*On the Duty of Man and Citizen According to Natural Law: Two Books*] (Lund, 1673). This work has been reproduced and translated under the title *De officio hominis et civis juxta legem naturalem libri duo* (*New York, 1927*), in the series *Classics of International Law*. Volume I contains the Latin text of the 1682 edition (photostat), and Volume II a translation by F. G. Moore. The 1927 edition is henceforth cited as *De officio* (1927). II, 110-111.

[30] *Ibid.*, II, 123.

These general considerations would have been enough for a follower of Pufendorf to realize that the system which obtained in Russia at the beginning of Peter's reign was all wrong, but the German jurist was more explicit elsewhere. He wrote:

> From whence it follows that the prince has a right to take cognizance of the Church and enquire into the behavior of those who belong to it; to know what affairs are transacted in the Church's chanceries or in the bishop's court and after what manner they proceed: whether they go beyond due bounds or depart from the civil laws of the government or presume to determine in their own right those causes which belong to his jurisdiction. Of this sort, among others, are matrimonial cases, which the clergy, with very little or no foundation, have confined to their courts, to the prejudice of the civil magistrate.[31]

There is a strange inconsistency in this text. Pufendorf seems to award a jurisdiction to the Church when he speaks about the presumption of the bishop's court "to determine _in their own right_ those causes which belong to _his jurisdiction_". The writer believes the inconsistency to be purely verbal, because in tracing the development of the independent judicial system of the Church in his _Einleitung_, Pufendorf said clearly that the Church unjustly arrogated to itself judicial power and that it maintained it by trickery.

Concerning the origin of an independent, ecclesiastical judicial system, Pufendorf wrote:

---

[31] S. Pufendorf, _De habitu religionis christianae ad vitam civilem liber singularis_ [On the Relation of the Christian Religion to Civil Life: Single Volume] (2d ed., Bremen, 1692), pp. 206-207.

> The first Christians, pursuant to St. Paul's prudent advice, instead of carrying their causes into a heathen court and thereby scandalizing their religion which taught them to despise riches, referred all disputes to the decision of bishops. As this custom was not abrogated, a formal jurisdiction, notwithstanding that it became unnecessary when the secular judges became Christians, and interfered with the pastoral office, was still kept up by the bishops; and amongst other powers this at length centered in the bishop of Rome. If any scruple arose concerning proximity of blood in such as intended to marry, or if any difference happened betwixt married persons, it was usual for the primitive Christians to submit in these things to the determination of their priests; and when nuptials were celebrated, it was customary to have their prayers and benediction.
>
> Hence, the Pope took the pretence of bringing all questions concerning marriages and divorces into his courts, and to make the usurpation go down better with the people, marriage was reckoned among the sacraments.
>
> Further, the first Christians endeavored to recommend their religion to the pagans by extraordinary sanctity and purity of life, and made it a matter of conscience to abstain from some vices not punishable by law. Whenever the life of a Christian was become notoriously scandalous he was enjoined penitence and fined; and if he continued incorrigible the Church excommunicated him, after which no person would keep him company. As they professed a new religion this punishment was then quite necessary, and it might still be of great use under the direction of the civil magistrate; provided it be confined to immoralities, and care be taken that it is not abused by the clergy to the gratification of their resentment, ambition and avarice. The power of excommunication at first lodged in the body of the Christian clergy, came also into the hands of the bishop of Rome.
>
> How it has been perverted, even to the excommunicating and deposing of crowned heads; to the absolving of subjects from their allegiance; and to the stirring of them up to fly in the faces of their lawful sovereigns; no one that is in the least acquainted with History can be ignorant.[32]

Thus, according to Pufendorf's reading of history, there was a just reason for the independent judicial system of the Church at the time when the judges in the Roman Empire's courts were not Christians. Once that condition was no longer in existence, the raison d'être for the Church's independent judicial power disappeared, since the judges were acquainted with the particular laws under which the Christians lived and they could be counted on to apply these laws as well as the law of the Empire. Pufendorf's insinuation is then, that wherever the civil judges are Christian, there is no need for a Church court system. He means, of course, no need which can be justified by a recourse to natural law and right reason, because he then tells how the Church, and especially the Pope, used the ecclesiastical court system as a tool in the erection of the spiritual monarchy.

---

[32] S. Pufendorf, An Introduction to the History of the Principal States of Europe, trans. J. Sayer. (London, 1744), II, 77-78.

The remark about the usefulness of excommunication, as long as it is under the control of the civil magistrate, should also be remembered. One must realize at once, that an excommunication, pronounced by the secular power would be the equivalent of the old Greek ostracism, and no longer a form of spiritual punishment. The civilly excommunicated citizen would be deprived of his civil rights and privileges, not of his religious prerogatives, such as the reception of the sacraments and the participation in the liturgy.

The reference to the perversion of excommunication, to the deposition of crowned heads, the absolving of subjects from their allegiance, all that has already found an echo in the Manifesto of 1721 which promulgated the Spiritual Regulation[33] and in the reasons which Peter gave for instituting a collegial type of headship in the Russian Church.[34]

Pufendorf referred to history to prove that whatever semblance of legality there may have been at one time to base the independent judicial power of the Church, had long since disappeared. He said:

> The Emperor Phocas being displeased with the Patriarch of Constantinople, because it is said he had reproved him for the murder of Emperor Maurice, did indeed give the pre-eminence to the see of Rome, and thereupon Boniface III took the title of Ecumenical Bishop; but this pre-eminence could imply no more than bare precedence, and the other Patriarchs were far from submitting to his jurisdiction....Admitting that any Emperor had ever so clearly granted an independent spiritual jurisdiction in the Empire to the see of Rome, as this was a sort of treaty made by a particular state, perhaps for the sake of having the Pope's advice on Church matters, it might, whenever it became prejudicial to this state, be annulled; and there is no pretence that it should be binding upon any other. Admitting also that some Christian princes have been deceived by misrepresentations thereof, or have been influenced by blind zeal, to suffer such a jurisdiction to be exercised in their dominions, they have an undoubted right to shake it off as soon as ever it is found to be inconsistent with the public good.[35]

To get the full weight of Pufendorf's argument one must remember that for an exponent of the secularized version of natural law the only institutions which could be considered universal in time or place were those which man's natural reason derived from the requirements of peace and order in society. This has been discussed at length in Chapter I, Section II, of this study. Since Pufendorf claims to have traced the origin of the "independent spiritual jurisdiction" to a contractual agreement between the Emperor of Constantinople (Phocas) and the Pope (Boniface III), there could be no question of its being universal in either time or place. In other words, the agreement between the Pope and the Emperor had no meaning for areas not subject to their control. Since Boniface III died in 607, a long time before the Roman Catholic Church had reached its seventeenth century scope, there were, therefore, many areas in the world in which the "independent spiritual jurisdiction" had been illegal from its very inception. Even in the areas where it had once been legal, it could be abolished by the supreme civil magistrate, because his authority was based on natural law, whereas the independent ecclesiastical tribunals were only based on a contractual agreement.

---

[33] Polnoe sobranie zakonov... VI, 314-315, No. 3718.

[34] Verkhovskoi, op. cit., II, Part I, 31-32.

[35] S. Pufendorf, An Introduction... trans. J. Sayer, II, 80.

Pufendorf came back once more to the problem of independent Church courts: to underscore the fact that it was a means of asserting the superiority of spiritual power over civil and a source of revenue for the head of the Church and for the ecclesiastical hierarchy. In that instance, Pufendorf said:

> By making marriage a sacrament a multitude of causes are brought into spiritual courts; for the succession to crowns as well as to private estates frequently depends thereupon. This obliged Mary, Queen of England, to endeavor at the restoration of

> Popery; for without the Pope's dispensation, she had been a bastard: and Philip III of Spain was without doubt more firmly attached to the interest of Rome because his father had by a dispensation from thence married his own sister's daughter. Persons in diverse degrees of consanguinity and affinity are prohibited from marrying on purpose to increase the number of dispensations, upon which care is taken to fix a high price.[36]

In summary, then, Pufendorf's teachings on the inadvisability of an independent, ecclesiastical judicial system stem from his conviction that natural religion, right reason, natural law and history, all show that the common good of a country requires an absolute, civil magistrate. From this, four propositions can be drawn:

(1) judicial authority, like any other, must be delegated by the supreme civil magistrate to be legitimate;

(2) if a country already has an independent, ecclesiastical judicial system, the supreme civil magistrate must suppress it in the name of the common good;

(3) this will not result in any disadvantage because the monarch's judges are competent in Church law as well as in the law of the realm, if they are Christians;

(4) some kind of civil excommunication, controlled by the monarch is useful, but the clergy must be prevented from using it for their own ends.

---

[36] Ibid., II, 109.

Section III- Peter the Great Unifies the Russian Judicial System.

The Codification Commission of 1700 had been summoned to introduce order into the court proceedings, among other things. It was in session when the Patriarch died. At that moment, Kurbatov, the Tsar's agent in Moscow, sent the letter which has already been cited.[37] In the letter it had been suggested that the Tsar might more easily remedy the disorders in the Church if he set up an agency, responsible to himself, to look after the judicial, financial and administrative duties which the Patriarch had discharged.

The law of January 27, 1701, mentioned neither the Codification Commission nor Kurbatov, as the source of its ideas, but it re-established the Monastery Department, suppressed in 1677, and assigned to it the financial, administrative and judicial functions it had formerly fulfilled. As a matter of fact, most of the cases which came up before the Monastery Department between 1701 and 1721 concerned the estates of the Church, but the law of January 1701 had said that the restored Department had jurisdiction over all clergymen without exception, over the employees and personnel of the ecclesiastical tribunals and bureaus, such as accountants, stewards, inspectors and copyists, over the peasants on the estates of the Church, over the teachers and students of the Slavonic-Greek-Latin schools, over the poor and those who received help from the Church. In a word, the Monastery Department could claim as its subjects all the ecclesiastical persons.[38]

---

[37] *Supra*, p. 82.

A number of details of this law are worthy of special mention. By giving the Monastery Department jurisdiction over all the ecclesiastical persons, Peter was subjecting them to the Tsar's judicial authority. The Monastery Department was one of his agencies. It derived its authority from the Autocrat, by means of an explicit grant or delegation. It did not claim as source of its authority a tradition going back to the Statute of Vladimir, as the Church courts did. Placing the ecclesiastical persons under the jurisdiction of a government agency went a long way towards undermining the Church court system. If the law of January 24, 1701, had been fully implemented, the Tsar would have been left to contend with nothing more than the particular courts of the individual bishops. But institutions which are centuries old do not wither and die overnight.

---

[38] _Polnoe sobranie zakonov_... IV, 133, No. 1829.

To get back to the revived Monastery Department--the court records show that it was to act as a court of appeals for cases brought up through the inferior tribunals of the diocese of Moscow.[39] From the year 1706, it also heard suits in which the defendant was an ecclesiastical person and took charge of his defense when the complaint was being heard in another court.[40] There is an interesting implication in this law of 1706. Sometime before 1706 (no trace of this has been found in the laws, however,) it must have been decided that suits in which an ecclesiastical person was the complainant would not come up before the Monastery Department. This derogated from its universal jurisdiction over ecclesiastical persons, according to the terms of the law of January 24, 1701. The cases in question may have been returned to the courts of the bishops, as a concession to the Church courts. On the other hand, if the Monastery Department assumed the defense of an ecclesiastical person in a complaint being heard before another court, the implication seems to be that the court in question was even more removed from ecclesiastical affairs than the Monastery Department; in a word, one of the Tsar's regular courts. The writer has found no way of filling the gap in the evidence suggested by the tenor of the law of 1706 and the lack of continuity with the content of the law of January 24, 1701.

---

[39] *Ibid.*, IV, 176, 200, Nos. 1876, 1920.

[40] *Ibid.*, IV, 351, No. 2108.

Gorchakov, whose exhaustive study of the Monastery Department still stands as a tribute to the quality of Russian nineteenth century scholarship, has compiled a large number of cases which were tried by the Monastery Department.[41] From these documents, he has constructed a "procedural code" which furnishes at least the general lines followed by a criminal action in which the defendant was an ecclesiastical person. A summary of Gorchakov's work is presented here so the reader may judge what a privilege it was to be tried by the Monastery Department instead of one of the Tsar's other courts.

The judicial machinery was set in motion by an open or a secret denunciation of a clergyman. Upon receipt of such a denunciation, the Department despatched an agent to investigate the charge, or it called in the accused ecclesiastical person. While the inquest went forward, the accused was kept in jail or in irons. At the end of the inquiry, the accused either signed the charge voluntarily, or he could have his decision helped along by a judicious application of the knout, by flogging or by being beaten with rods.

---

[41] M. I. Gorchakov, Monastyrskii Prikaz... pp. 199-200.

The number of strokes to be administered was determined by the judge and noted in the margin of the court record. After that, if the clergyman had not been unfrocked during the preliminary procedure, he had to undergo the penalties set forth in the Ulozhenie and in the more recent laws. If the penalty for the crime alleged to have been committed called for unfrocking the accused clergyman, this was often done before he answered the charges. In that case, torture was the usual way to elicit satisfactory answers. There seems never to have been any doubt that the accused was guilty as charged. During all the time of the proceedings, he was kept in irons and under guard. Corporal punishment was administered before and after the charges were heard in court. If the inquiry revealed that the crime was really murder, robbery or brigandage, over which the Monastery Department had no jurisdiction, the accused was unfrocked at once (if this had not been done previously) and turned over to the Preobrazhenskii Prikaz [Department of Internal Security]. It is difficult to imagine a procedure where the accused had less of a chance to vindicate himself, but the procedure in the Tsar's courts must have been still more pitiless, because it had always been considered a distinct privilege to be subject to the Church's court system. Perhaps, the Monastery Department had as a subsidiary function, the standardization of procedure in the Russian courts.

The Monastery Department also had a disciplinary court for cases which were not criminal in nature. Before this tribunal there came beggars who were illegally soliciting alms, monks traveling without a written permission from their superiors, priests who did not celebrate the liturgy, employees of ecclesiastical institutions who accepted bribes, and many other petty malefactors.[42] The sentence in each case was handed down by the court, according to circumstances. Some cases of negligence, however, had had statutory penalties attached to them by the Tsar. Unfrocking, for example, was the penalty for: (1) not sending in to the clerical census bureau the weekly lists of births and deaths in Moscow,[43] (2) not informing the Monastery Department of the death of pregnant women,[44] (3) not reporting the birth of monsters.[45]

Thus, the Monastery Department assumed the judicial functions of the defunct Patriarch and acted as the Tsar's court for ecclesiastical affairs. It applied Church law to ecclesiastical persons, but it derived its judicial authority from the Tsar. In other words, Church law was still distinct from the law of the realm, and ecclesiastical persons were still not considered as ordinary citizens, although the institutions which administered the various laws and supervised the various kinds of people were all equally dependent on the Tsar.

---

[42] *Polnoe sobranie zakonov*... V, 475-476, 546, 554, Nos. 3036, 3172, 3182.

[43] *Ibid.*, IV, 192, No. 1908.

[44] *Ibid.*, IV, 308, No. 2054.

[45] *Ibid.*, IV, 243, No. 1964.

A further effort at unification was made in the period 1707-1713. In the terminology of the early eighteenth century, an unsuccessful rebellion was called "brigandage".[46] While Peter's attention was focused on his war with the Swedes, in 1707-1708, the Don Cossacks rose in revolt against the Tsar. A number of clergymen were suspected of having had a hand in the uprising, which has been given Bulavin's name and which has been considered a manifestation of class warfare by the Soviet historians.[47] In a letter dated 1707, which Peter sent to the commander of the troops trying to quell the rebellion, the Tsar ordered the suspected monks to be dealt with by means of torture.[48] That was Peter's usual treatment for rebels. The clergymen were in his power even according to the traditional interpretation of ecclesiastical immunity, which did not include murder, robbery and brigandage. It was nevertheless an application of the criminal law of the realm to clergymen.

---

[46] *Vide*, *Sbornik Imperatorskago russkago istoricheskago obshchestva* [*Collection of the Imperial Russian Historical Society*] (St. Petersburg, 1884), XXIX, 398-410.

[47] B. B. Kafengauz, N. I. Pavlenko *et al.*, *Rossiia v pervoi chetverti XVIII v.: Preobrazovaniia Petra I* [*Russia in the First Quarter of the Eighteenth Century: The Reforms of Peter I*] (Moscow, 1954), an unnumbered volume in *Ocherki istorii SSSR: Period Feodalizma* [*Studies in the History of the U. S. S. R.: The Feudal Period*], pp. 253-279.

[48] *Pis'ma i bumagi imperatora Petra Velikago* [*Letters and Papers of the Emperor Peter the Great*] (St. Petersburg-Moscow, 1887-1956), V, 347.

The precedent set in 1707 was followed in 1708. By that time, the revolt had reached Voronezh, on the upper Don. During the uprising in that city, a number of clergymen were implicated. The Tsar must have sent an instruction to the head of the Monastery Department, Musin-Pushkin, concerning these clerics, but it has not been preserved. At any rate, its content is known from the note made by the secretary [*diak*] of the department. The note read:

> On the strength of an ukase from the Tsar to boyar Ivan Alekseievich Musin-Pushkin concerning nineteen brigands and rebels from Voronezh, including four monks, the following dispositions were taken:
> (1) These men were placed in monasteries in Moscow:
>   (a) ten in the Danilovskii, and these were tortured;
>   (b) nine in the Donskoi, including the four monks.
> (2) Such a guard was placed over them as to make escape impossible and provisions were made to furnish the monasteries with tallow candles and firewood in return for the victuals they would give the prisoners.[49]

Not enough is known about these monk-rebels to allow for a distinction between guilt by association and personal involvement in the rebellion. It is nevertheless true that Peter had taken the opportunity offered him by the events along the Don to apply the criminal law of the realm to ecclesiastical persons.

---

[49] *Ibid.*, VIII, 471.

A much clearer case of the Tsar's efforts to destroy the distinction between Church law and the law of the realm by means of the exceptions made in the immunities of clerics with regard to murder, robbery and brigandage, is found in a law dated 1713.[50] This law construed as "robbery" a charge of mismanagement lodged against the bishop of Vologda, a town some 200 miles north of Moscow. This was a new meaning for the term "robbery". In pre-Petrine Russia, financial ineptitude on the part of a bishop had been punished by the assembly of bishops, not by the Tsar's courts.[51] The new law prescribed that anyone accused of ecclesiastical mismanagement must be tried by the Senate. Thus, by reading new meanings into traditional concepts, it was possible for Peter to remove to the civil courts cases which for centuries had gone before Church tribunals.

On February 22, 1711, the balance which existed between the ecclesiastical judicial system and that of the Tsar was once again tipped in favor of the supreme civil magistrate. At that time, the Church court system consisted of the tribunals of the diverse bishops, with the Monastery Department as a court of appeals. Although it had been instituted by the Tsar, the Monastery Department is listed among the Church courts because it tried only ecclesiastical cases. The new law proclaimed that, henceforth, the Senate would be the supreme judicial organ in Russia.[52] Less than a month later, the Tsar gave the Senate jurisdiction over all his subjects, clergy and laity, by saying that the decisions of the Senate were binding on everyone under penalty of the most dire punishment, not exclusive of the death penalty.[53]

---

[50] Polnoe sobranie zakonov... V, 36, No. 2682.

[51] Kapterev, op. cit., pp. 421-432.

The scope of the Senate's power was extended still further by the law of March 2, 1711, which proclaimed the Senate's capacity to remove and punish all incompetent and corrupt judges with the confiscation of their belongings.[54] This general supervisory function was to be exercised with regard to ecclesiastical tribunals as well as to the Tsar's courts. Lumping together the Church courts and the civil tribunals under the overlordship of the Senate, an agency whose origin made it totally dependent on the Tsar, may be taken as another effort on Peter's part to put an end to the independent judicial power of the Church.

The Senate also had the authority to remove any case from any court and hear it in its own chambers. Since there is nothing like an actual legal action to test a judicial system, it is indeed fortunate that all the dossiers of the celebrated Tveritinov case have been preserved. This case lasted from 1713 to 1724, and at one time or another, every resource of the Russian court system was called into play. Tveritinov was accused of professing heretical doctrines. He was a layman and Moscow was the site of his propaganda in favor of his heterodox beliefs. The proceedings began in the fall of 1713, and Stepan Iavorskii, the caretaker of the patriarchal see, presided, as the bishop in whose diocese the alleged crime had been committed. The metropolitan put three questions to Tveritinov and his sympathizers. The court record has kept only the answers of Tveritinov. (It may be that he spoke in the name of the whole group, as leader and teacher.) At any rate, the first question concerned the real presence of Christ in the consecrated host and it received the following answer:

---

[52] Polnoe sobranie zakonov... IV, 627, No. 2321.

[53] Ibid., IV, 642-643, No. 2328.

[54] Ibid., IV, 643, No. 2330.

> God has given me senses: sight, smell and taste, to discern the truth of things and how am I to deny my senses? When I take this body into my hands and look at it, my sight tells me it is wheat bread. When I smell it, it gives off the odor of bread and when I begin to eat it, the sense of taste also tells me it is bread. God has given me these senses to determine the truth of things, not as a means of convincing myself of untruth. Where does one get the notion that the body of Christ is here, when it cannot be discerned in any way?

The second question was: "Do you honor Christ, the Savior, as true God and true man?" Tveritinov answered: "I honor Him as true God." The third question was: "Christ too had senses. When He took bread and said: 'This is My body', why do you refuse to believe that His senses told Him the truth?" Tveritinov said: "Christ was not speaking of His flesh at all, but of all the things He has made. All those were His body; even stone and wood."[55]

After hearing those answers, the metropolitan condemned Tveritinov to an indefinite prison term, during which he was to be questioned periodically.[56] In October 1714, Iavorskii reported to the Tsar on the way he was treating the unrepentant heretic.[57] In December of the same year, Peter called the case to Petersburg.[58] The Tsar then told the Senate to try the case anew. At some of the sittings, the list of those present read like the honor role of the Empire. There were:

Metropolitan Stepan Iavorskii, caretaker of the patriarchal see,
Boyar, Prince P. I. Prozorovskii,
General, Prince I. F. Dolgorukii, Plenipotentiary and Counsellor of War,
Count I. A. Musin-Pushkin, chief of the Monastery Department,
T. N. Streshnev, senator and counsellor,
General-Admiral F. M. Apraksin,
Field Marshal B. P. Sheremetev,
Field Marshal, Prince A. D. Menshikov,
Count G. I. Golovkin, State Counsellor,
Prince G. F. Dolgorukii, Acting counsellor,
Prince M. V. Dolgorukii, senator,

---

[55] *Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda* [Description of the Documents and Records Preserved in the Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917), II, 326-328.

[56] *Ibid*., II, CLXXXVII-CXCII.

[57] *Ibid*., II, CXCIII.

[58] *Ibid*., II, 300-326.

Baron P. P. Shafirov, Vice Chancellor,
P. A. Tolstoi, counsellor and chief of Security Police,
M. M. Samarin, senator,
Prince D. M. Golitsyn, governor of Kiev,
A. P. Saltykov, governor of Moscow
P. S. Saltykov, governor of Kazan'.[59]

This imposing "bench" said more than volumes of explanations. It said that in Peter's mind Pufendorf's third suggestion was applicable to Russia. That suggestion called for the monarch's judges to apply Church law as well as the law of the realm, provided the judges were Christians. These men were all Russian Orthodox Christians. Hence they were competent in heresy trials. The voice of the caretaker of the patriarchal see must have been lost in the chorus of the Tsar's sixteen top officials. This "bench" also indicated the seriousness with which Peter viewed the crime of heterodoxy. To decide the fate of one poor heretic, the Tsar convened the foremost representatives of the armed forces, of the police, of the bureaucracy and of the administration. But the last word had not yet been pronounced in the case of Tveritinov.

In May 1716, General-Admiral Apraksin reported to the Tsar that the Senate had not been able to reach a decision in the Tveritinov case.[60] In December 1717, the Senate issued an ukase, signed by the same Apraksin, remanding Tveritinov into the custody of Metropolitan Iavorskii, with the stipulation that all efforts be made to instruct him and to point out the errors of his ways.[61] The metropolitan had already reached the same decision three years earlier, so the "review" by the Senate could be envisaged as a confirmation of the Church's decision.

---

[59] Ibid.

[60] Ibid., II, CXCVII-CXCVIII.

Tveritinov's instruction must have been a very thorough affair, because the next time the case is mentioned is six years later. In the interval, the Spiritual Regulation had come into force and the Holy Synod had begun to function. The Synod pronounced itself on Tveritinov: it ordered him to read a public confession in Moscow's Assumption Cathedral. The decision was dated February 1, 1723, and the day set for Tveritinov's public renunciation of his heresies was February 10.[62] Before signing his "confession", Tveritinov was warned that any attempt to equivocate or any subsequent backsliding would be punished by anathema and death. Copies of the signed "confession" were to be kept in the Synod, in the Senate and in the parish church of the "convert". In the abjuration, Tveritinov swore that he accepted all that the Russian Church wished him to accept.

What is one to conclude from the Tveritinov case? The least one can say is that the Tsar did as he pleased with the courts: he could transfer a case from one court to another without worrying about the nature of the case; he could order a case to be tried anew; he could have civil and military officials constitute a "bench" for a heresy trial; he could act directly or through the Senate. In other words, by the time the Tveritinov case finished, in 1723, there was a unified judicial system in Russia, dependent in all its parts upon the Tsar. Formally, Church courts still existed, but they had become agencies of the Tsar for the enforcement of his will upon ecclesiastical persons.

---

[61] *Ibid.*, II, CXCVII.

[62] *Ibid.*, II, CXCVIII-CCIV.

The Spiritual Regulation of 1721 gave back to the Holy Synod the judicial functions which the Monastery Department had been exercising since 1701, by making the Holy Synod a court of appeals for cases coming up from the tribunals of the bishops.[63] In cases of heresy and schism, such as the *Raskol* , it was a court of first instance[64] (probably to forestall any more endless trials, such as the Tveritinov case). It was also a court of first instance in the following cases:

(1) when a bishop was accused of not accomplishing the duties prescribed for him by the Spiritual Regulation;[65]
(2) when a bishop falsified the reports on the condition of his diocese;[66]

---

[63] P. V. Verkhovskoi, *Uchrezhdenie dukhovnoi kollegii i Dukhovnyi Reglament* [*The Establishment of the Spiritual College and the Spiritual Regulation*] (Rostov-on-the-Don, 1916), II, Part I, 73.

[64] *Ibid.*, p. 73.

[65] *Ibid.*, p. 41.

[66] *Ibid.*, p. 43.

(3) when a bishop pronounced an anathema without following the procedure set forth in his oaths;[67]
(4) when a complaint was lodged against a bishop by his own clergy;[68]
(5) when the activities of unfrocked priests were the subject of legal actions;[69]
(6) when the activities of the rector and prefect of the clerical academy were being questioned.[70]

In all those cases, there was no appeal from the judgment of the Holy Synod.

In divorce cases, the Synod had the right to review the decisions taken by the bishops, and in civil suits involving ecclesiastical persons, it had the right to present a brief to the College of Justice.[71] When the question before the court required an interpretation of the Spiritual Regulation, the Synod had to pronounce jointly with the College of Justice.[72]

Thus, the judicial competence recognized to the Holy Synod by the Spiritual Regulation fell somewhat short of Pufendorf's suggestions with regard to the Church as a judicial institution. The first, concerning the essentially delegated character of judicial authority, however, had been fully implemented. Anyone who read the Spiritual Regulation would have had no doubt about the source of the Synod's judicial power.

---

[67] _Ibid_., pp. 44-46.

[68] _Ibid_., p. 40.

[69] _Ibid_., p. 92.

[70] _Ibid_., pp. 85-87.

[71] _Ibid_., p. 73.

[72] _Ibid_., p. 74.

By suppressing the Monastery Department, the Spiritual Regulation reversed a trend which had set in with the restoration of the Department in 1701. That trend had reached a point where fifteen laymen and one cleric had been considered as a fitting bench for the court of last instance in a heresy trial, the Tveritinov case.

It is the writer's opinion that Peter judged, with or without the advice of Prokopovich, that his Russia was not yet ripe for a Pufendorf-type judicial system. This conjecture is supported by the fact that according to the Spiritual Regulation, the Tsar had three ways of controlling the ecclesiastical judicial system. First, the Senate had a supervisory function over all the tribunals of the realm, and the Senate was totally dependent on the Tsar. Then, in all important cases (those involving constitutional issues), the Synod had to consult the College of Justice, another of Peter's creatures. Finally, the high procurator of the Holy Synod was the "Tsar's eye in ecclesiastical affairs", with the obligation of reporting to the Tsar any activity of the Synod which did not conform to its charter, the Spiritual Regulation. This triple control made it impossible for the ecclesiastical judicial system to act independently of the Tsar. That was about all the Pufendorf which Russia could swallow, until the Church reforms already executed had taken root.

The speculative character of the preceding paragraph is recognized fully by the writer. It is justifiable, however, in his opinion, because the documents available seem to require it. In the Manifesto of 1702, which has been discussed in Chapter II, Section III, Peter the Great had expressed his desire to extend to the Church "the ameliorations he had already made in the army by introducing European customs". On the other hand, an impressive array of parallels, similarities and coincidences have been noticed between Pufendorf's formulation of European customs and Peter's expressions and actions in the field of Church reforms. Moreover, Peter called himself the Russian Pufendorf and prescribed the works of the German jurist for his son and for the Russian seminarians. When these facts are combined with the inner consistency of the Petrine Church reforms, the writer feels that he is justified in suggesting that the gaps in the evidence be filled with conjectures compatible with the facts, i.e. with the ideas and suggestions which Pufendorf expressed in the books which were certainly known to Peter the Great.

There were advantages to having a submissive ecclesiastical judiciary in a country like Peter's Russia. The Church's court system was so old and venerable that a concerted effort to suppress it completely might have disturbed the life of the country to a point where the whole Church reform program would have been endangered. Moreover, as long as the clergymen who sat in the Church courts took their orders from the Tsar, they were like so many more civil servants. Why should Peter deprive Russia of the work of some of its few literate persons? Better yet, the ecclesiastical judges enjoyed a prestige as clergymen, which no laymen would have had in the eyes of the ordinary Russian

Orthodox believers. This made for a better operating court system. That Peter was not insensitive to this last point has already been shown in the previous chapter, where the Tsar had said in the Manifesto promulgating the Spiritual Regulation:

> And we require all Our faithful subjects of every rank and condition, spiritual and temporal, to account this administration powerful and authoritative, and to have recourse to it for the direction, resolution and determination of their most private spiritual affairs, and to acquiesce in its definitive sentence, to obey its decrees and orders in everything...[73]

How did the Holy Synod function as a judicial institution? An answer to that question requires an investigation of the administrative procedure instituted by the collegial system of Peter the Great, of which the Spiritual College was but a part. The documents reveal that despite the seeming clarity of Peter's grants of jurisdiction, the Tsar was continually receiving petitions from the various colleges, from the Senate and from the Holy Synod, demanding that he intervene in this or that case. It is the writer's opinion that much of this stemmed from the fact that, as an organ of the State, the Holy Synod felt that it could recover much of the ground lost by the Church courts to the civil power. This view goes against the expressed intention of the Spiritual Regulation and it certainly did not fall in line with the intentions of the Tsar, but there seems to be no other explanation for the events which happened between 1722 and 1725.

---

[73] Verkhovskoi, *op*. *cit*., II, Part I, p. 6.

In April 1722, the Holy Synod sent to the Tsar a long list of cases which had been recognized as falling within the exclusive jurisdiction of the Patriarch. It added that many of those cases were not coming before the Synod for decision.[74] Then the Synod asked: "Is the Holy Synod to be inferior as a judicial institution to the defunct Patriarch? What of the Tsar's own phrases that the "Synod had the honor, the power and the authority of the former Patriarch of Moscow, or even a greater power, because it was a council?"[75] Did the Tsar mean what he said? There followed a long list which reproduced most of the items given over to the Church's care by the Statute of Vladimir.[76] The following were mentioned specifically: (1) blasphemy, (2) heresy, (3) schism [Raskol], (4) witchcraft, (5) marriages and divorces, (6) reasons for divorce: adultery, legal separation resulting from a court sentence and desertion, (7) fornication, (8) rape, (9) masters raping their serfs, (10) incest, (11) violence used to have a marriage celebrated, (12) illegitimate children, (13) children born to a couple whose marriage was invalid because of consanguinity, (14) marriages of minors without the consent of their parents, (15) forcible marriages of minors or serfs by the use of intimidation, (16) forcible tonsuring of persons.[77]

---

[74] Polnoe sobranie postanovlenii i razporiazhenii po vedomstvu pravoslavnago ispovedaniia Rossiiskoi Imperii [Complete Collection of the Resolutions and Decrees of the Department of Orthodox Confession of the Russian Empire] (St. Petersburg, 1872-1917), II, 532.

[75] Polnoe sobranie zakonov... VI, 356, No. 3734.

[76] Supra, pp. 133-134.

After a few days, Peter answered that the cases numbered seven to fourteen were to remain within the jurisdiction of the secular courts, although in cases of incest (No. 10), the Synod would pronounce itself on the gravity of the sin involved.[78] To the writer, it seems that the Tsar's decision had all the earmarks of a compromise between Pufendorf's requirement that all cases touching matrimony be out of the hands of the Church courts and the centuries-old custom of turning to the Russian Church courts for everything which concerned marriage, divorce, children and legacies.[79]

Having lost that round, the Holy Synod found another way of approaching the problem. As it gained more and more complete control of the economic life of all the ecclesiastical institutions, the Synod was able to use this economic control as a funnel through which it brought cases before its tribunals. Just about every legal action had some economic aspects. As the agency responsible for the financial and economic life of the Church, the Synod insisted that it be allowed to decide all the cases which might have economic repercussions on the Church. This development will be studied at length in the next chapter. It is mentioned at this time because of its judicial aspects.

---

[77] Polnoe sobranie zakonov... VI, 650-652, No. 3963.

[78] Ibid., VI, 764-767, No. 4081.

[79] Supra, p. 149.

Two types of cases developed detailed special procedures while the Holy Synod directed the activity of the ecclesiastical judicial system: (1) those concerning the information a priest received while hearing confessions, and (2) those involving schismatics [Raskol'niki]. It may be interesting to note that the duties assigned to the Church courts by the Tsar in both types of cases were essentially police functions. Many writers have considered the procedure developed for "breaking the seal of sacramental confession" as smacking of sacrilege.[80] It would certainly go beyond the bounds of this study to enter fully into that discussion, but the pertinent text from the Spiritual Regulation is judicial-procedural in nature, and can thus be included as an example of the control which the Tsar had acquired over the ecclesiastical judicial system by means of the Spiritual Regulation. The text said:

> If a man discovers to his spiritual father an intended robbery which he has not yet committed, treason especially, or rebellion against the Sovereign or His government, or a wicked conspiracy against the Sovereign's honor or His life and against the family of His Majesty, and while he makes discovery of such conspiracy, shows himself to have no remorse for it but betrays a settled resolution to execute his design, and makes confession of it not as a crime, but rather to be confirmed in his purpose, by the approbation

---

[80] Among others, I. S. Smirnov, Drevne-russkii dukhovnik [Ancient Russian Confessor] (Moscow, 1914), p. 168; Verkhovskoi, op. cit., I, 478-480; C. Tondini, The Pope of Rome and the Popes of the Oriental Orthodox Church (London, 1871), pp. 104-106.

or connivance of his confessor, which may hence be gathered: if upon the spiritual father's requiring him in the name of God to desist from his evil purpose, with a sullen silence or by a justification of himself, he appears to be unalterable in that matter, the spiritual person must not on this bare confession of his sins pronounce the pardon and remission of them (for that is no true confession where the man does not repent all his iniquities) but he must inform against him in the place appointed by an express decree of His Imperial Majesty, dated April 28, of this present year 1722, which is published and printed against such offenses, by virtue of which order also, for words reflecting on the honor of His August Imperial Majesty, and prejudicial to His government, such offenders are immediately to be apprehended and brought to the required place. The minister is, therefore, obliged to discover as manifest a resolution to execute their base and villainous purposes, and to commit them to the custody of the proper officers, in obedience of the said law of His Imperial Majesty.

Only, in this information, he is not to reveal the principal matters declared in confession (because by this decree, such offenders are to be tried only in the Chancery of Secret Affairs and in the Preobrazhenskii Prikaz or Court), but in his information he declares what had been hitherto kept a secret, that such a man by name, and of such a rank, has formed an evil design which he does not repent of, against the Sovereign, etc., as above, the execution of which plot will be very mischievous, and for which he ought to be apprehended and taken into arrest. And whereas, by the said decree of His Imperial Majesty it is required for the necessary conviction of such offenders, that the informer with his securities [bondsmen] or if no security can be had [bail] with his conductors shall be detained under civil arrest in the said Chancery of Secret Affairs, or in the Preobrazhenskii Prikaz. The priest therefore, having made his discovery, and given security for his appearance, and surrendering himself into the place appointed, without the least excuse or delay, shall there at the time of trial, declare all that he has heard of that villainous design, explicitly and plainly, without any disguise or hesitation; for by this declaration the spiritual person does not discover the whole confession, nor offend against the laws of it, but rather fulfills our Lord's doctrine which teaches: "If thy brother shall trespass against thee, go and tell him his fault between thee and him alone; but if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if

> he shall neglect them, tell it to the Church". (Matt. 18. 15-17).[81]

Thus, the denouncing of penitents by their confessors, as the Spiritual Regulation itself admitted, was a means of assuring the safety of the Tsar and of the State. More important yet, in this long text, is the fact that the Tsar has been given the right to supervise not only the ecclesiastical judicial system which operates the courts, but also the private tribunal of the confessional, where salvation is at stake, not Church law. This violated the distinction which Pufendorf made between revealed and natural religion. On the other hand, Pufendorf's distinction was not traditional and its consequences may have escaped his Russian disciples, Peter the Great and Feofan Prokopovich. Pufendorf had said clearly that it was the supreme civil magistrate's duty to take cognizance of what went on in the chanceries and courts of the Church.[82] The confessional was not a chancery, but since some kind of judgment was being handed down by a clergyman, Peter may have thought that the part of the confession which (according to his interpretation of the sacrament) was not covered by the "seal" could be treated like any other act of ecclesiastical jurisdiction.

The schismatics [_Raskol'niki_], on the contrary, were being prosecuted as overtly rebellious subjects. Their religious opinions seem to have been the least of Peter's preoccupations in the period 1722-1725. When they condescended to stay in one place and to pay the special taxes which the Tsar imposed upon them, Peter was willing to let them profess whatever faith they wished. It seems true to say that Peter looked upon the schismatics as upon so many disturbers of the peace and order which he was trying to introduce in his realm. His conception of peace and order required that every last subject work where he was put, pay the taxes that were levied, serve in the armed forces when drafted and obey all the laws of the government. The partisans of the *Raskol* refused to comply with the laws governing the growth of beards and the wearing of Western dress. Moreover, they refused to attend the services of the established, Russian Orthodox Church where the laws of the Tsar were read.[83] By acting the way they did, the *Raskol'niki* subtracted themselves from the number of the Tsar's subjects who came under the educative influence of Peter's laws. Worse still, by leaving their homes and setting up camps in the forests, where they could worship as they pleased, far from the reach of Antichrist (their name for Peter) and his minions in the official Church, they were able to evade the tax collectors and the recruiting officers. For all those reasons, Peter could not suffer obdurate *Raskol'niki*. He made every effort to force them back into the Russian Orthodox Church, where they could be indoctrinated in the proper degree of submission to the Tsar's orders. The laws through which he tried to achieve this goal number in the hundreds. Only a few are mentioned in note here,[84] because the problem of the Raskol has been thoroughly studied by Pascal[85] and the pertinent documents have been collected by Subbotin.[86]

---

[81] Verkhovskoi, _op_. _cit_., II, Part I, 85-87.

[82] Pufendorf, _De_ _habitu_ _religionis_... (Bremen, 1692), pp. 206-207.

---

[83] *Polnoe sobranie postanovlenii*... II, 756; N. A. Voskresenskii (ed.) *Zakonodatel'nye akty Petra I* [*Legislative Acts of Peter I*] (Moscow-Leningrad, 1945), I, 79.

In other words, the goal of the ecclesiastical judicial system was to try to get the dissident Raskol'niki to act like good citizens: pay their taxes, serve in the armed forces and obey the laws. The Tsar resorted to the Church courts for this, because, of all the tax evaders and draft dodgers in Russia from 1722 to 1725, only the Raskol'niki did it for religious reasons. Once identified as a religious dissident by a Church tribunal, a draft dodger would be treated differently. The treatment will be discussed in the chapter on the Church as an educational institution.

By the time Peter the Great died, in 1725, the ecclesiastical judicial system had undergone some profound changes.

---

[84] Polnoe sobranie zakonov...V, 166, 200, Nos. 2991, 2996; VI, 169, 248-249, 641-642, 678-681, 737-742, Nos. 3547, 3662, 3944, 3962, 4009; VII, 21-22, 300, 368, 521-522, Nos. 4162, 4526, 4596, 4750.

[85] P. Pascal, Avvakum et les débuts du Raskol (Paris, 1938).

[86] N. Subbotin, Materialy dlia istorii raskola [Materials for a History of the Raskol] (Moscow, 1875). Eight volumes.

Direct evidence has been found that the situation which obtained at the beginning of Peter's reign remained unchanged in only one locality, Ustiug, on the Northern Dvina River. An ukase, dated 1720, said that the bishop of Ustiug was to have full jurisdiction in his diocese, except in cases of murder, robbery and brigandage.[87] This meant that the subjects of the Tsar who were not ecclesiastical persons would have to come before the bishop's tribunal in civil cases.

In all the rest of the realm, the remaining Church courts derived their authority from the Tsar, by means of a direct delegation. The supreme civil magistrate also controlled all that went on in the ecclesiastical courts by means of the Senate, the College of Justice and the high procurator of the Holy Synod. Since the men who staffed these administrative bodies were laymen,officials of the Tsar, it could be said that Pufendorf's third suggestion had received a degree of implementation. That suggestion had called for the application of Church law by lay judges whose competence in ecclesiastical affairs would derive from their adherence to the Church.

With regard to the second idea of Pufendorf, requiring the abolition of the independent, ecclesiastical judicial system, it is the writer's opinion that Peter and his adviser, Feofan Prokopovich, had been satisfied with a system which would be totally subjected to the supreme civil magistrate, even though the outward trappings of Church courts were preserved.

---

[87] Polnoe sobranie zakonov... VI, 232-233, No. 3632.

Hence, it can be said in conclusion, that Peter the Great had followed the most important of Pufendorf's suggestions, but that he had decided to stop short of a full implementation of the other "precepts". The reason for this was probably that the secularist inspiration of the other suggestions of Pufendorf was too foreign to Russian ways for even a Tsar and Autocrat to impose in the short span of twenty-five years.

* * *

Chapter IV-The Church as an Economic Institution.

When Patriarch Adrian died in 1700, Byzantine dualism had sanctioned both the privileged position of ecclesiastical persons in society and the independent ecclesiastical judicial system. The Church also had an economic life which was in part parallel to that of the rest of the country.

Section I- Status of the Russian Church in the Economic Life of the Country in 1700.

The famous Statute of Vladimir had given the Russian Church a number of economic privileges. Exemption from the taxes levied by the civil ruler was not the least of these. In fact, the Church received some of the revenue raised by means of judicial fines, as well as the tenth part of the crops harvested every year. This has already been mentioned among the privileges and immunities of ecclesiastical persons.[1] Vladimir had also given the Church a key position in the economy of the country when he wrote:

> It is also among the ancient regulations, that the bishops should have the supervision of the measures and balances of the town and of the market. On these matters must the bishop watch, neither increasing nor diminishing them; and on the universal day of judgment

---

[1] *Supra*, p. 61.

> they shall answer for this, and for the salvation of souls.[2]

Thus, the Church was exempt from the taxes of the State and guardian of the weights and measures used in trade. Moreover, the habit which the nobility of Russia developed early of leaving a part, or all, of their estates to the Church in return for the prayers of the monks and priests for the repose of their souls, made of the Russian Church the greatest owner of lands and serfs in the country. This property, movable and immovable, was called "the patrimony of the Church" and it was only imperfectly incorporated into the economic life of the country.[3]

How was this "patrimony" administered in 1700? The most affluent person in Russia, in 1700, if one judges by the extent of his holdings in lands and serfs, was certainly the Patriarch of Moscow.[4] A dozen chanceries and bureaus helped him keep order in his vast holdings. The reason for this concentration of economic power in the person of the Patriarch of Moscow was that he fulfilled two very important functions: (1) he was resident bishop of the capital, Moscow, with the same rights and duties in his diocese as other bishops had in theirs, and (2) he was the guardian of all the domains of the Russian Orthodox Church, with unique rights and duties.[5] The properties which the Patriarch of Moscow administered as resident bishop of the capital felt the effect of his management much more directly than those over which he exercised only the supervisory rights of the patriarchate.

---

[2] Pamiatniki Russkogo Prava [Memorials of Russian Law] (Moscow, 1952-1956), I, 240.

[3] The whole question has been thoroughly investigated by M. I. Gorchakov, in his book, O zemel'nykh vladeniiakh vserossiiskikh mitropolitov, patriarkhov i sv. sinoda [On the Property in Land of the All-Russian Metropolitans, Patriarchs and the Holy Synod] (St. Petersburg, 1871).

[4] M. I. Gorchakov, op. cit., pp. 326-327.

An instruction from Patriarch Adrian, dated 1697, has preserved some of the details of the Patriarch's administration. The instruction dealt with many non-economic affairs, but it also contained a few articles, such as the following:

> Article 35. Every year, at the beginning of September, the pastors of city and country churches must collect all the money from the tithes and fines and send it to the Patriarch with an exact account of their revenue and expenses during the year.
>
> Article 39. Priests who have not fulfilled their obligations to the patriarchal exchequer cannot become deans. The same holds for those who do not publish the banns of marriages.
>
> Article 46. The tariff for marriage ceremonies must be higher for those who marry a second time; still higher for those who marry a third time.
>
> Article 50. If the tithes due to the Patriarch are withheld, the protopope must appeal to the military governor for infantrymen, artillerymen and executioners to help him make his collections. Once he has the money, he must send it at once to the Patriarch's exchequer.

---

[5] This distinction, its importance and consequences have been worked out by V. Miliutin in two book-length articles, "*O nedvizhimykh imushchestvakh dukhovenstva v Rossii*" [*On the Immovable Property of the Clergy in Russia*], *Chteniia v obshchestve istorii i drevnostei rossiiskikh pri Moskovskom universitete* [*Lectures of the Society of Russian History and Antiquities in Moscow University*], XXXI (Oct.-Dec. 1859), 1-118; XXXVI (Jan.-March 1861), 273-414.

Article 51. The clerics who turn over to the patriarchal exchequer its share of the annual revenue of their parishes will receive a remittance, if their transactions are completed by the first of January.

Article 52 to 55. Diverse fines for not sending in the Patriarch's share of the tithes.

Article 56. Permission from the Patriarch must be obtained before any churches or steeples are erected.[6]

From these provisions one gathers that the Patriarch kept a tight reign on the finances of the domains entrusted to his care. The obligation to appeal to the military governor for troops to help in the collection of the tithes due to the Patriarch revealed the close tie which existed between Church and State in the first part of Peter's reign.

Just how great were the lands administered by the Patriarch of Moscow in 1700? The answer to that question is made difficult by the nature of the Russian census figures of the time. For taxation purposes, estates were measured in terms of "households", i.e. by the number of homes of the peasants who worked on the estates. How many peasants lived in a "home"? There are no generally accepted figures, but the number 3.3 held true for the lands of the Ipatiev Monastery of Kostroma. This abbey had estates in the provinces of Kostroma, Iaroslavl', Moscow and Vladimir. There were 3,848 peasant households tilling the monastery's lands. On the other hand, the archimandrite (abbot) of the monastery had temporal authority over 12,590 persons.[7] A "person", according to the old Russian census, was a male. The females were not counted. The counting of only males is borne out by the figures available for the Patriarch's estates in the year 1701. There were then 9,326 households or homes of peasants on his lands. The number of male "souls" or persons was 26,899, which meant about three males in each household.[8] The writer has taken it for granted that on the Church estates, the working population was equally divided between the sexes. So, to get the number of "persons", in the modern sense of the word, on any estate, the writer has simply multiplied the number of households by six. This yields crude figures, but they are the only available numbers.

---

[6] _Polnoe sobranie zakonov Rossiiskoi Imperii s 1649 g._ [Complete Collection of the Laws of the Russian Empire from 1649] (St. Petersburg, 1830-1916), III, 416-419, No. 1612.

To get back to the question of the extent of the Church's holdings in land and serfs in the year 1700, Gorchakov's figures showed that 137,823 households of peasants were working on the lands of the Church, without counting the dioceses of Siberia, Pskov and Astrakhan, for which no census figures were available.[9] This would mean that considerably more than a half-million serfs enjoyed the privileges of ecclesiastical persons in 1700. Just what proportion of the population that number represented cannot be determined exactly. In 1722, however, after the estates of the Church had been greatly diminished, there was still one-fifth of the total serf population working on ecclesiastical lands.[10] From these statistics, which have been carefully collected and analyzed by Gorchakov, one would be justified in concluding that at least one serf household in three belonged to the estates of the Church in 1700.

---

[7] M. I. Gorchakov, Monastyrskii Prikaz (1649-1725gg.) [The Monastery Department from the Year 1649 to the Year 1725] (St. Petersburg, 1868), p. 138.

[8] M. I. Gorchakov, O zemel'nykh vladeniiakh... Appendix, p. 138.

[9] Gorchakov, Monastyrskii Prikaz... p. 144.

The Patriarch of Moscow was the guardian of this immense "patrimony of the Church". He taxed the land and the people on the land either directly or through the inferior members of the ecclesiastical hierarchy, bishops, abbots of monasteries or pastors of city and country parishes, as has been shown in the instruction of 1697.[11] But the Patriarch and the other members of the hierarchy could not treat Church property as if it were private. The Tsar had a number of rights with regard to Church property. In fact, it is in this area that Peter's predecessors and Peter, himself, had succeeded best in whittling down the privileges given to the Church by Vladimir. They had done this while the Patriarchs were still "guarding" the patrimony of the Church. When the patriarchal see was vacant, the estates were administered in the name of the Tsar.[12] Gorchakov has even collected a list of the decrees by means of which Tsar Aleksei Mikhailovich had disposed of the Church's property and revenue during Nikon's absence from the see.[13] The Tsar could also extend the immunity enjoyed by ecclesiastical property. The Soviet government has recently published a selection of the charters granting these exemptions.[14]

---

[10] Ibid., p. 147.

[11] Supra, pp. 185-186.

[12] Gorchakov, O zemel'nykh vladeniiakh... p. 329.

One can gauge the importance of these exemptions to the economic life of the Church, from a complaint lodged by some Moscow monasteries which did not benefit from the Tsar's beneficence. They said that each year they had to pay two taxes for the support of the armed forces, two for the maintenance of roads and three for the salaries of the Tsar's officials.[15]

From the actions of the Tsars with regard to Church property, one must conclude that the Autocrats considered it a form of public property, managed by the Church, to provide for the needs of the ecclesiastical persons. But the immunity from taxation enjoyed by Church property was not absolute. The Tsars could, when they judged it necessary, tax

---

[13] *Ibid*., Appendix, pp. 87-90.

[14] *Pamiatniki*... IV, 51-124.

[15] *Akty, sobrannye v bibliotekakh i arkhivakh Rossiiskoi imperii arkheograficheskoiu ekspeditsieiu imp. Akademii Nauk* [Acts, Collected from the Libraries and Archives of the Russian Empire by the Archeographical Expedition of the Imperial Academy of Sciences] (St. Petersburg, 1836-1838), IV, 417.

Church property like any other in their realm. In 1653, Tsar Aleksei did just that by levying a tax on all the lands which belonged to parish churches and on the revenue of the parochial clergy.[16] Peter the Great did something similar while the Patriarch was still alive. A note found among his papers was entitled: "Thoughts about the ships at Voronezh". The date was 1699. One "thought" read: "Three bombardier-ships to be built with the revenue of the Trinity Monastery".[17]

In each of the instances adduced as examples of the Tsar's taxing Church property, the regular revenues of the State had not been adequate for the crisis being faced by the government, so the Tsar had turned to the "immune" property of the Church. That must have been the true meaning of immunity from taxation; otherwise, the "exceptions" would have been the rule. For a time, Tsar Aleksei had suspended all the Church's immunities from taxation.[18] On another occasion, he had requisitioned the stocks of food which the monasteries kept in their warehouses.[19] In 1699, Peter not only laid hands on the revenue of the Trinity Monastery for the construction of his fleet, but he also levied a tax on all the monasteries "which had hitherto remained exempt".[20] He repeated the ukase in 1700.[21]

---

[16] Akty istoricheskie, sobrannye i izdannye Arkheograficheskoiu Komissieiu [Historical Acts, Collected and Published by the Archeographical Commission] (St. Petersburg, 1841-1844), IV, 195.

[17] Pis'ma i bumagi imperatora Petra Velikago [Letters and Papers of the Emperor Peter the Great] (St. Petersburg, 1887-1956), I, 321.

[18] Polnoe sobranie zakonov... I, 874-875, No. 507.

The writer believes that by the middle of the seventeenth century the Tsar had more than the right to levy taxes on the property of the Church in time of emergency. He bases this belief on the fact that Aleksei Mikhailovich had taken the administration of Church property out of the hands of the Patriarch and given it to one of his own agencies, the Monastery Department, for a period of twenty-eight years, from 1649[22] to 1677.[23] Then, he reverted to the former system of "guardianship". There was no crisis in Russia which lasted from 1649 to 1677. In the same vein, one may think of Peter's transferring to the coffers of the government the following sums from the income of the Trinity Monastery in Zagorsk (the same monastery which had defrayed the expense of constructing three gunboats): 50,000 rubles in 1696, 20,000 in 1697 and 20,000 in 1700.[24]

---

[19] Akty, sobrannye v bibliotekakh... III, 273.

[20] Polnoe sobranie zakonov... III, 656-665, No. 1711.

[21] Ibid., IV, 59, No. 1799.

[22] Ulozhenie Gosudaria, Tsaria i Velikago Kniazia, Alekseia Mikhailovicha [Code of His Majesty, the Tsar and Grand Prince, Aleksei Mikhailovich] (St. Petersburg, 1913), pp. 139-142.

[23] Polnoe sobranie zakonov... II, 148, No. 711.

That raids such as those just mentioned did not completely empty the coffers of the Church can be gathered from the statistics available for the year 1700.[25] The ecclesiastical hierarchy still disposed of considerable sums.

During the second half of the seventeenth century the Russian Tsars developed a new subterfuge to help them in their effort to include the property of the Church in the economic life of the country, which was under the direct control of the monarch. A law, dated 1662, had given the Tsar's officials the right to inspect and control the stocks of food and arms which was kept by the monasteries and by the ecclesiastical hierarchy.[26] In 1678, the Tsar had ordered an inventory of all Church property. That was the famous "census of the year 186" which the revived Monastery Department used for setting tax rates. The census was not finished until the early years of Patriarch Adrian's tenure (1690-1700). All the immunities enjoyed by the estates of the Church were registered. The villages and peasant households on monastery lands were counted and described. The herds of cattle and other farm animals were recorded. The contents of the "treasury" of each monastery, where works of art, precious vestments and sacred vessels were kept in safety, were also inventoried and the annual income of each monastery ascertained. Copies of the census were deposited in the Great Court and in the ecclesiastical institutions concerned.[27]

---

[24] S. M. Solov'ev, *Istoriia Rossii s drevneishikh vremën* [*History of Russia from the Most Ancient Times*] (St. Petersburg, 1896), IV, 265.

[25] P. V. Verkhovskoi, *Ocherki po istorii Russkoi Tserkvi v XVIII i XIX stoletii* [*Outlines of the History of the Russian Church in the* XVIII and XIX Centuries] (Warsaw, 1912), p. 108.

[26] *Akty istoricheskie*... IV, 166.

From that time on, the Tsars had a clear idea of how much emergency income they could lay their hands on. Of course, that presupposed that the census figures would be kept up to date. There is some evidence pointing to a rapid breakdown of the census machinery. In 1696, Peter ordered all the superiors of monasteries and other members of the hierarchy to send in annual accounts of their revenues and expenditures to the Great Court.[28] In 1698, the order became an ukase, which seems to indicate that the hierarchs had not complied with the order of 1696.[29]

---

[27] Gorchakov, Monastyrskii Prikaz... p. 117.

[28] Akty, sobrannye v bibliotekakh... IV, 315.

[29] Polnoe sobranie zakonov... III, 529-530, No. 1664.

As an economic institution, the Church had to carry on a certain amount of construction. In a country with a scarcity of artisans and craftsmen capable of erecting anything larger than a barn or a family home, the building of churches, monasteries and episcopal dwellings tied up an important fraction of the available, competent manpower. The Ulozhenie had already drawn attention to this problem by expressly forbidding the construction of any new monasteries.[30] In 1696, Peter addressed an ukase to all the superiors of monasteries. It told them that any construction within their domains would, henceforth, require the prior permission of the Tsar.[31] It also required an exact accounting of the expenses involved and a statement of the monastery's income. The law was repeated again in 1697,[32] and again, in almost the same terms, in 1698.[33] It is the writer's opinion that Peter gave away his purpose by insisting on an account of expenses. Coupled with the statement of the monastery's income, such an accounting would permit the Tsar to put an end to the practice of investing the Church's surplus revenue in new buildings, thereby putting the wealth of the Church out of the sovereign's reach.

---

[30] Ulozhenie... pp. 196-198.

[31] Akty, sobrannye v bibliotekakh... IV, 315.

[32] Polnoe sobranie zakonov... III, 425, No. 1613.

[33] Ibid., III, 529-530, No. 1664.

Still one more aspect of the Church as an economic institution at the beginning of Peter's reign must be mentioned before closing the first section of this chapter. There was, at the time, a relation which existed between the extent of the Church's property and the number of clergymen in the Russian Church. An ukase issued by Tsar Aleksei Mikhailovich had forbidden the monks and the members of the white clergy (parochial) from practicing trades or operating businesses of any kind.[34] This meant that the clergymen had to derive their subsistence and that of their families in one of two ways: (1) from the ecclesiastical position they held, or (2) from alms. The problem was acute, because the white, or parochial, clergy was married and regularly produced more children than there were jobs in the Church. Thus, many of the children of the white clergy were "classless persons", even before Marx or the sociologists invented the term. Understandably, a number of them turned to robbery and brigandage as a way of life. Peter's father, Tsar Aleksei, had tried to absorb them--at least those who could read and write--in the chanceries of the government.[35]

With the advantage of hindsight, it is easy to see that a better solution would have been to ordain only enough priests to satisfy the needs of the Church and of the faithful. This would be Peter's solution to the problem and it will be discussed in the third section of the present chapter. But at the beginning of his reign, the question of the "superfluous clergymen" had received no adequate answer. Numbers of them stood at the crossroads and offered their services to those who wished to be married or who had children to baptize. These clergymen were called kresttsovye or "crossroads" priests to distinguish them from the prikhodskie or priests "who served a parish". In his instruction of 1697, Patriarch Adrian had tried to control the number of clergymen being ordained, but he had died too soon after, to give his measures a chance to bear fruit.[36]

---

[34] Ibid., I, 800-802, No. 442.

[35] Ibid., I, 524-526, Nos. 288, 289, 290.

In summary, one could say that when Patriarch Adrian died, the Russian Orthodox Church administered about one-third of the land in the country. On this land there lived approximately one-third of the peasant population of Russia, with the status of ecclesiastical persons. The Patriarch was the guardian of this patrimony and he exercised his guardianship by means of the various members of the hierarchy: bishops, metropolitans, superiors of monasteries, parish priests with the rank of dean or protopope. They, in turn, employed stewards, accountants, inspectors and collectors.

The Tsar maintained certain rights with regard to the lands and serfs of the Church. He could tax this property when he needed added revenue and he could control the erection of buildings on the estates of the Church. The revenue from these holdings was ordinarily used for the needs of the State. This last fact had become much more prominent since Peter the Great had become Tsar and Autocrat.

---

[36] Ibid., III, 414, No. 1612.

The lands and serfs of the Church were exempt from the ordinary governmental taxes and this represented a diminution of the potential revenue of the Tsar. Likewise, the clergy represented a diminution in the manpower available to the State in time of peace and war. The measures taken by the Tsars, prior to the death of the Patriarch, in an effort to limit the size of monasteries and the number of clergymen were probably motivated by these considerations.

Thus, as an economic institution, the Russian Church was much more integrated into the life of the country, at the beginning of Peter's reign, than was the case when one studies the Church from the point of view of the privileges and immunities of ecclesiastical persons, or of its independent judicial system. This opinion, by the way, is shared by Gorchakov.[37]

---

[37] Gorchakov, Monastyrskii Prikaz... p. 122.

Section II- Pufendorf Prescribes: "No Independent Economic Life for the Church."

Although the Russian Church did not lead an independent economic life at the beginning of Peter's reign, it did not bear the same share of the public burden as the rest of the subjects of the Tsar. This was already enough to rouse a Pufendorfian statesman to action. The German jurist had said:

> Since citizens are not bound to bear tributes and other burdens, except insofar as these are necessary to meet the expenses of the state in peace and war, it will therefore be the duty of rulers in this connection not to exact more than the necessities or conspicuous advantage of the state require, and so far as possible, to regulate the burdens so that the citizens shall be injured as little as possible by them. Also the burdens must be distributed in due proportion, and no immunities conceded to some citizens, to the loss and oppression of the rest.[38]

This text has been cited in the chapter on ecclesiastical privileges and immunities.[39] At that time, it was used as an indication of Pufendorf's opposition to any kind of privilege, which might destroy the equal submission of all the subjects to the supreme civil magistrate. Now, it is invoked as an invitation to remove whatever economic benefit an ecclesiastical person derived from his status in the Church.

---

[38] S. Pufendorf, De officio hominis et civis secundum legem naturalem libri II [On the Duty of Man and Citizen According to Natural Law: Two Books] (Lund, 1673). This work has been reproduced and translated under the title De officio hominis et civis juxta legem naturalem libri duo (New York, 1927), in the series Classics of International Law. Volume One contains the Latin text of the 1682 edition (photostat), and Volume Two a translation by F. G. Moore. The 1927 edition is henceforth cited as De officio (1927). II, 123.

[39] Supra, p. 63.

In another of the works of Pufendorf which was known to Peter the Great, the following passages occurred:

> Immense and exorbitant revenues of the Church are no benefit to the ministers and are equally prejudicial to the Church and the state...Since it is necessary that the Church should have credit and esteem in the world, those who belong to it must live handsomely and decently. For this reason, I say, princes ought to take the opportunity of showing their devotion and concern for the public worship of God, by appointing salaries out of certain revenues for the ministers of the Church upon which they may live in comfort and credit.[40]

Thus, not only must the Church be prevented from having an independent economic life, from which there would flow privileges for the clergy, but the prince should determine the salary to be given the clergy.

In his Einleitung, Pufendorf described some of the disadvantages which necessarily followed upon the Church's having property, which was not controlled by the civil magistrate. At one point, he said:

> The alluring prospect of living easily and plentifully had so multiplied the number of ecclesiastics, that the large revenue of the Church, notwithstanding the vast increase thereof by the liberality of princes and other well-disposed

---

[40] S. Pufendorf, De habitu religionis Christianae ad vitam civilem liber singularis [On the Relation of the Christian Religion to Civil Life: Single Volume] (2d ed., Bremen, 1692), pp. 202-204.

> Christians, was insufficient for their maintenance. Instead of wholesome laws to prevent so many who might in some other way have served the public from entering into the Church, all ways were contrived by the Pope to empty the purses of the laity for their support; because he well knew that as their number did his power would increase.[41]

In other words, the needs of the Church were artificially swollen by the exorbitant number of ecclesiastics who had joined the ranks of the clergy to have an easy and plentiful life. The remedy to the evil was easy: the prince must have laws preventing the desertion of civil life by more persons than were required for the true needs of the Church. Then, the purses of the laity would no longer be depleted to keep the superfluous clergy in idleness.

To accumulate the necessary revenue, the Church had resorted to some rather unwholesome ways, according to Pufendorf's reading of history. He said:

> With a view to supporting the clergy, a custom of selling masses, dispensations, indulgences and other things of this kind was introduced; and as dying men are generally indifferent about worldly goods, ecclesiastical harpies frequently prevailed upon them, by insinuating that God would be thereby well-pleased, to rob their families for the sake of giving to the Church.[42]

It is, then, by these unjust means that the "patrimony of the Church" had been acquired. The remedy was quite simple:

---

[41] S. Pufendorf, An Introduction to the History of the Principal States of Europe, trans. J. Sayer. (London, 1744), II, 82-83.

[42] Ibid., II, 83.

suppress the sale of spiritual things and return the property of the Church to its rightful owners, the heirs of the persons who bequeathed it to the Church in the first place.

Pufendorf also found another reason for the great number of ecclesiastics, which he expressed in the following terms:

> The number of monks was likewise increased by the superstition, avarice or ambition of many parents, who thinking to do God service or hoping thereby to provide for them, and so to prevent the decline of their families by dividing their estates, forced their younger sons into convents. In order to make room for churchmen, cathedrals had besides proper priests for performing divine service each a chapter of canons, and many new convents were founded. Thus monasteries, at first erected in times of persecution for the reception of such as devoted themselves to religious exercises, and in which the members who observed a very severe discipline contented themselves with a most ordinary fare, were filled with persons drawn thither by the prospect of faring well and living idly.[43]

To counter this move of the Church, Pufendorf advised the use of the "wholesome laws to prevent so many who might in some other way have served the public from entering into the Church".

Pufendorf's reading of history also showed him the underlying economic motive for some of the practices countenanced by the Church. In the Einleitung he told his reader:

> In order to find employment for priests, who take care to be well paid for all they do, the number of festivals and processions is as much as possible increased. Nay with a view to the same, the sacraments are multiplied to seven, and a custom is introduced

---

[43] Ibid., II, 83-84.

> of saying mass both for the living and the dead. By this large sums of money are raised: for nothing of importance is engaged in without mass being first sung for success; nor does any person of fortune die without ordering a good store of masses to be celebrated for the deliverance of his soul out of purgatory...
>
> The administration of Extreme Unction gives the clergy an opportunity, and it is too often made use of, of persuading dying men, who are sometimes not perfectly sensible and for the most part indifferent about worldly goods, to make large bequests to the Church at the expense of their near and perhaps poor relations.[44]

The last two details underscore more heavily yet, the unjust means used by the Church to accumulate the property it had. Legally speaking, according to Pufendorf, the "patrimony of the Church" had been obtained by fraud, and the only just thing to do was to have it returned to the rightful owners.

The teachings of Pufendorf with regard to the Church as an economic institution can be reduced to the following points:

(1) the Church must have no independent source of revenue, because it subtracts that much from the authority of the supreme civil magistrate and it is the source of an unequal distribution of the burdens of public expenditure;

(2) there must be no superfluous clergymen, because these useless persons artificially swell the needs of the Church and subtract useful servants from the public life;

---

[44] *Ibid.*, II, 108-109.

(3) the clergymen, who are needed, must receive a salary, determined by the prince, which will allow them to live honorably and decently.

The situation in Russia, in 1700, in no way resembled what Pufendorf has outlined. True enough, the Russian Church was economically better integrated in the life of the country than it had been judicially; but much still remained to be done by a Pufendorfian statesman.

Section III- Peter the Great Acts on Pufendorf's Advice Concerning the Church's Economic Life.

Direct administration of Church property by a governmental agency, the Monastery Department, had been tried from 1649 to 1677.[45] A few months after the death of Patriarch Adrian, on January 31, 1701, to be exact, Peter returned to that formula. The revived Monastery Department operated under the immediate supervision of the Tsar until 1711, at which time it was subjected to the Senate.[46] The department had judicial functions which have been discussed in the preceding chapter, but its most important function was to control and administer the lands and estates of the Patriarch, of all the bishops and of the monasteries. This priority of functions was clearly indicated by an ukase.[47] To discharge its duties, the Monastery Department instituted a system of local administrators.[48] The reason for this was probably the nature of the Church's holdings which were scattered from one end of the country to the other. As was natural, the estates of the bishops were concentrated in the dioceses where they exercised authority, and these dioceses covered all of Russia. Then, the monasteries and the Patriarch, besides their holdings near their center of operations, also controlled lands, forests, fishing rights and other economic resources in the most diverse regions. Most of these had come into the possession of the Church as bequests, later confirmed by grants from the Tsars, but some had been bought outright. (A chapter of the Ulozhenie of 1649 had been devoted to the laws governing the acquisition of lands by the Church, and numerous sections of other chapters touched on the subject.[49] By and large, these laws were still in force in 1700.)

---

[45] *Supra*, p. 191.

[46] *Polnoe sobranie zakonov*... IV, 627, No. 2321; IV, 662-666, No. 2349; IV, 857, No. 2571.

---

[47] Ibid., IV, 139-140, No. 1834.

[48] Ibid., IV, 129-131, No. 1824; IV, 139-140, No. 1834.

[49] Ulozhenie... pp. 138-139, Chap. XII; pp. 23-24, Chap. VIII, Sect. I; pp. 24-25, Chap. IX, Sect. I; p. 27, Chap. IX, Sect. VII; pp. 140-141, Chap. XIII, Sect. III; pp. 141-142, Chap. XIII, Sect. VI; p. 175, Chap. XVI, Sect. LXVI; pp. 177-180, Chap. XVII, Sects. II-VI; pp. 221-227, Chap. XIX, Sects. I-IX.

The local representative of the Monastery Department had very wide powers. He did all of the department's business in the area to which he was assigned. He made inventories, collected the taxes for the government and for the monasteries and bishops, he sat as judge in civil and criminal trials and even heard appeals from his own previous decisions.[50] He set the tax rate on the basis of the census lists of 1678, which he called the "census of the year 186" in his reports.

It seems that Church holdings had reached an all time high in 1678, which was the year after the suppression of the original Monastery Department. Since that time, however, the value and the extent of the estates of the Church had tailed off considerably. Miliukov's statistics showed that some of the northern dioceses had suffered a 40% decrease in population between 1678 and 1710.[51] Other evidence of the diminished importance of Church property in the first years of the eighteenth century can be found in the laws of the time. From them, one gathers that the local officials of the Monastery Department took very little interest in the well-being of the estates they administered. Their first and most important duty was to "get in the money". They were rated and promoted on the success with which they met the government's ever-growing needs for revenue. The pressure which the agents of the Monastery Department put upon the peasants had the effect of driving them off the Church lands. Those who did not flee had to make up for the share which the fugitives would have paid.[52]

---

[50] Gorchakov, Monastyrskii Prikaz... p. 148.

[51] P. N. Miliukov, Gosudarstvennoe khoziaistvo Rossii v pervoi chetverti XVIII stoletiia i reforma Petra Velikago [The State Economy of Russia in the First Quarter of the XVIII Century and the Reform of Peter the Great] (St. Petersburg, 1905), p. 532.

The economic situation of the Church became still worse in 1708, when the reform in local government went into effect.[53] The census figures for 1710 show that the estates of the Church were put in the same category as the crown lands in the newly-formed provinces. The immediate result of this was that the Church lands were taxed twice: once, by the agents of the Monastery Department, and once by the local governors. This was quite a change from the time before 1700, when the estates of the Church had usually escaped the government's tax collectors.

---

[52] *Polnoe sobranie zakonov*... IV, 351, No. 2108; V, 4, No. 2668.

[53] *Ibid*., IV, 436-438, No. 2218; IV, 449-450, No. 2277. For charts of the new administrative machinery, *vide*, B. B. Kafengauz, N. I. Pavlenko *et al*., *Rossiia v pervoi chetverti XVIII v.: Preobrazovaniia Petra I* [Russia in the First Quarter of the Eighteenth Century: Reforms of Peter I] (Moscow, 1954), an unnumbered volume in *Ocherki istorii SSSR: Period Feodalizma* [Studies in the History of the U. S. S. R.: Feudal Period], pp. 321, 331. The administrative reform of 1708 has been thoroughly investigated; *vide*, P. N. Mrochek-Drozdovskii, *Oblastnoe upravlenie Rossii XVIII v.* [Local Government in Eighteenth Century Russia] (Moscow, 1876), I, 22-99. Also, M. M. Bogoslovskii, *Oblastnaia reforma Petra Velikogo* [The Provincial Reform of Peter the Great] (Moscow, 1902). *Passim*.

The Monastery Department objected strongly to the new procedure, which it construed as "poaching on reserved land". It is the writer's opinion that the protest was only for form's sake, because there is abundant evidence that the rival tax collectors, from the Monastery Department and from the local governors' offices were able to compose their differences at the expense of the Church peasants.[54]

A further depletion of the reservoir of the Church's wealth is revealed by some documents preserved in the Synodal archives.[55] In 1715, an officer from the chancery of the governor of Moscow requested that the Monastery Department hand over the taxes from 61,505 peasant households, which were supposed to have been pocketed by the collectors of the department. The department answered that it had only 57,644 households on its lists for the province of Moscow, and of these, 16,707 were then empty as a result of the Tsar's levies of laborers for his road constructions and for the building of Petersburg. So, taxes could not have been collected from more than 40,937 households. Thus, the Church was losing not only the revenue from its property but the peasants who gave the property its value. The documents did not indicate whether the governor's collector received the money he asked for.

---

[54] Gorchakov, *Monastyrskii Prikaz*... pp. 152-158.

[55] *Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda* [*Description of the Documents and Records Preserved in the* Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917), I, 159.

The double taxation was a passing phenomenon, a result of the confusion introduced into the tax lists by the administrative reforms of 1708. What was more important for the life of the Church as an economic institution was the fact that the property of the Church continued being taxed for government needs much more frequently than it had before 1700. These were always "special" taxes, so they were added on to the "regular" taxes which the Monastery Department collected. The needs of the Tsar's fleet was the excuse used for a special tax on the estates administered by the Monastery Department in 1702.[56] In 1706, it was for the construction of roads.[57] Then, it was to feed the Tsar's armies and officials.[58] A combination of all these was invoked in 1714, 1715, 1719 and 1722.[59] All this did not exempt the Church estates from the levies of: (1) recruits for the armed forces, (2) carpenters, (3) stone cutters, (4) brick masons, and (5) laborers.[60] In 1710, moreover, Count Musin-Pushkin, the head of the Monastery Department, was ordered to recruit and outfit a regiment of cavalry from the employees and servants of the ecclesiastical hierarchy and the monasteries. The department also had to find the means of supplying the regiment with horses, food, fodder, clothes and arms, from that time on. In three years this regiment cost the Church 72,712 rubles and 50 horses.[61]

---

[56] Polnoe sobranie zakonov... IV, 197, No. 1914.

[57] Ibid., IV, 353-354, No. 2114.

[58] Ibid., IV, 699-700, No. 2378.

[59] Ibid., VI, 813, No. 4134. Also, Opisanie dokumentov i del... I, 624-629.

The measures just enumerated, which Peter took by means of the Monastery Department, went a long way towards removing whatever distinction still remained between Church property and the rest of the economic resources of the country. In fact, they practically reduced the estates of the Church to the status of crown lands. A degree of permanence was given to the new order by two laws which stated that for purposes of: (1) collecting taxes, (2) requisitioning horses for the army, and (3) raising levies of workers for the iron foundries and for the road construction projects, the Church estates and the crown lands would be considered one and the same.[62]

---

[60] *Polnoe sobranie zakonov*... IV, 291-295, No. 2036; 326, No. 2078; 329-330, No. 2082; 351, No. 2108; 732, No. 2421; V, 5-6, No. 2632; 18-19, No. 2650.

[61] *Ibid.*, IV, 691-695, No. 2372.

Thus, the Russian Church came to shoulder its share of the burden of public expenditure. By maintaining the Monastery Department in existence, even though the estates of the Church were being considered as crown lands, the Tsar was able to make the Church pay more than its proportionate share. Once the Church estates had helped to defray the expenses of the armed forces, of the government and of the state-subsidized industries, with their revenue and men, they were still subject to the regular tithes which the Church had levied since time immemorial. A goodly proportion of the revenue raised by this "second" tax also found its way into the Tsar's coffers. Gorchakov has compiled the following table of figures which show this clearly.[63]

Year	Income from Church property	Expenditure for Church needs	Contributions to Tsar	Carried over
1701				48,174 r.
1702	67,472 rubles	9,874 rubles	43,065 r.	63,720 r.
1703	47,988	10,312	88,280	13,123

---

[62] *Ibid.*, IV, 775, 824, Nos. 2462, 2514.

[63] Gorchakov, *Monastyrskii Prikaz*... pp. 578-613.

Professor Henry L. Roberts notes that the figures in this table do not balance, but that such discrepancies are the rule rather than the exception in East European statistics.

Year	Income from Church property	Expenditure for Church needs	Contributions to Tsar	Carried over
1704	57,046	40,639	14,200	15,980
1705	130,310	34,309	91,540	20,560
1706	77,461	59,182	28,332	9,526
1707	224,502	97,222	86,287	60,719
1708	156,570	105,636	103,392	10,761
1709	143,965	46,966	88,676	19,085

These figures speak for themselves. It may nevertheless be interesting to know what the Monastery Department considered "Church needs". For the year 1702, these needs called for the expenditure of 9,874 rubles. They were spent in the following way: 2,110 rubles for the upkeep of the caretaker of the patriarchal see and his household; 347 rubles for the Orthodox clergy of Palestine; 7,280 rubles for the Church's educational institutions; 283 rubles as bonuses to recent converts from Islam.[64] The most interesting item in this enumeration is the salary paid to the caretaker of the patriarchal see, for himself and his household. Pufendorf's third suggestion had called for the prince to pay a decent salary to the clergymen whose work was needed by the country.

---

[64] Miliukov, op. cit., pp. 614-678. Miliukov's figures add 146 rubles to the total reached by Gorchakov. As a rule, his figures are 1% higher than those of Gorchakov. In the instances when the writer has been able to control the accuracy of both sets of figures, he has found that Miliukov chose to follow the data of the archives of the Senate and of the College of Audit, when these did not agree with the totals found in the books of the Synod. Gorchakov did the opposite. These preferences may be due to professional bias, as Gorchakov was a clergyman and Miliukov a public official.

Before trying to find out how the estates of the Church were able to contribute so much money to the government, it is only fair to state that the Monastery Department did not maintain its monopoly of the administration of Church property for very long. In 1702 already, some of the monastery estates were being returned to clerical administrators.[65] By 1711, an ukase regularized the procedure for returning Church property to its former managers.[66] The following year, another law determined what proportion of the revenue from such estates was to be made available to the Tsar.[67] The same law was repeated on June 8, 1713.[68] With regard to the property returned to ecclesiastical management, the Monastery Department only supervised the execution of the laws just mentioned. It was especially zealous, as one can imagine, in assuring that the Tsar's share of the revenue from this property was promptly turned over, but for the ordinary administration of the lands and serfs, the department allowed business to be conducted as it had been prior to the death of the Patriarch. By the time the Monastery Department was closed on October 16, 1720 (twenty years to the day, after the death of Patriarch Adrian), an undetermined, but certainly important part of the property of the Church had recovered its pre-1700 status.[69] This was a reversal of the movement which had brought the property of the Church under the direct control of the Tsar, by means of the Monastery Department. What could have prompted Peter to change a policy which seemed so successful?

---

[65] _Opisanie dokumentov i del_... I, 637-639.

[66] _Polnoe sobranie zakonov_... IV, 727-728, No. 2415.

[67] _Ibid._, IV, 871, No. 2597.

[68] _Ibid._, V, 36, No. 2686.

The writer believes that Peter was pursuing two goals: (1) from 1701 to 1720, the Tsar's primary intention was to increase the revenue of the government, and (2) to integrate the Church into the economic life of the country. If the two could not be achieved together, then Peter gave preference to the increase of the government's revenue. This hypothesis would explain the gradual return of the property of the Church to its clerical managers, when the officials of the Monastery Department allowed the ecclesiastical estates to diminish in value, as has already been mentioned.

The question, "How was the Monastery Department able to make such large contributions to the Tsar from the revenue of the Church's property", has still not been answered. Cutting the operating expenses of the Church seems to have been the answer. Credit must be given where credit is due. The Monastery Department must not be visualized as an agency with a will of its own, supervised from afar by the Tsar. Peter's ideas concerning administrative control of agencies were much better adapted than that, to a bureaucracy which was riddled with incompetence and corruption. His laws initiated all the activity of the department. In almost all instances, the department was reduced to doing the "leg work" and to chores of bookkeeping. Despite such a cumbersome and imperfect apparatus, Peter succeeded, in 1701, in putting the Russian monks on an annual ration of ten rubles and 80 bushels of wheat per person, to be taken from the revenue of the monastery where they lived.[70] The law also made provisions for the monasteries which would not be able to produce the required quantities of food and money. In those cases, the Monastery Department would allot them some of the resources it took away from the monasteries which produced a surplus. Unfortunately, the Tsar's demands for funds were so numerous that the Monastery Department was unable to keep both the Tsar and the monks satisfied. So it cut the monks' ration by one-half.[71] According to the census of 1710, there were some 80 monasteries with about 2,500 monks on the Tsar's "salary plan" in that year.

---

[69] _Ibid_., VI, 248, No. 3659.

---

[70] Polnoe sobranie zakonov... IV, 181-182, No. 1886.

[71] Gorchakov, Monastyrskii Prikaz... p. 175.

The statistics presented earlier in this section showed that the caretaker of the patriarchal see received a salary through the Monastery Department, in the year 1702. The other members of the hierarchy were also placed on salary in 1702. Until then, the bishops had submitted their books to the accountants of the Monastery Department, but they had collected their own taxes and tithes. When the department set up its system of local agents, it gave them the right to collect the remittance which the bishops had received for centuries from their clergy.[72] It was impossible for the writer to determine the sums derived by the bishops from these remittances, but an incomplete list read as follows:

(1) a tribute from each parochial church and chapel, based on the number of households served, and on the number of priests, deacons and other clerics assigned to the church;[73]
(2) a tax of fifteen kopeks on the church building itself;[74]

---

[72] Gorchakov, *Monastyrskii Prikaz*... p. 148.

[73] *Akty istoricheskie*... IV, 259; V, 172.

[74] *Polnoe sobranie zakonov*... IV, 315, 483, Nos. 2070, 2263.

(3) tithes on all the revenue of the parochial churches;[75]
(4) a special tax for the Church's welfare activities;[76]
(5) a tax to support the military chaplains;[77]
(6) a gratuity whenever the bishop ordained a clergyman or promoted him;[78]
(7) a fee for dispensations;[79]
(8) a gift on the bishop's visitation of a parish;[79]
(9) a percentage of the offerings made by the parishioners at a wedding or christening.[79]

All this went to the Monastery Department after 1702. The caretaker of the patriarchal see obtained, as a concession, the right to continue perceiving these sums.[80] The rest of the hierarchy received only their salary. In 1710, the most liberally treated clergyman in Russia was of course, the caretaker of the patriarchal see who drew a salary of 5,600 rubles, plus whatever his "remittances" yielded. Fifteen other bishops had to get along on salaries which varied between 926 rubles for the bishop of Ustiug, to 2,340 rubles for the bishop of Kazan', for a grand total of 25,402 rubles. These salaries were all determined by the Tsar's laws.[81]

---

[75] _Ibid._, III, 416-419, No. 1612.

[76] _Akty, sobrannye v bibliotekakh_... IV, 228.

[77] _Polnoe sobranie zakonov_... IV, 315, 483, Nos. 2070, 2263.

[78] _Akty istoricheskie_... IV, 259; V, 172.

[79] Gorchakov, _Monastyrskii Prikaz_... pp. 235-242.

[80] _Polnoe sobranie zakonov_... IV, 658-659, No. 2346.

[81] _Ibid._, IV, 727-728, 879-880, Nos. 2415, 2615; V, 476-477, No. 3038.

When the Monastery Department was suppressed in 1720, the salary system of the hierarchy was also scrapped, but by 1723, the Holy Synod had taken measures to balance the expenses of the bishops with their incomes.[82] Thus, the old, patriarchal system, under which the hierarchy disposed of its income as its pastoral zeal dictated, never returned to Russia, as long as Peter lived.

As far as ecclesiastical construction and repair work were concerned, once the Patriarch had died, the Monastery Department made a monopoly of those too. A law forbade all new constructions in stone.[83] The same law required that all repairs and replacements of wooden buildings by stone or brick edifices be done by artisans sent from the Monastery Department. It seems that the department was less efficient in providing workmen than it was in perceiving the taxes, because the permissions for repairs were slow in coming. This led to the multiplication of petitions and the department was continually buried in complaints.[84] A solution was finally arrived at. The department would return the administration of certain Church properties to the clergy, on the following conditions: (1) that the revenue from these properties be used for necessary constructions, and (2) that the accounts for these undertakings be submitted to the Monastery Department for verification.[85]

---

[82] Opisanie dokumentov i del... III, 488-489.

[83] Polnoe sobranie zakonov... IV, 139-140, No. 1834.

[84] Gorchakov, Monastyrskii Prikaz... p. 180.

As in all the other parts of this study, the Spiritual Regulation marked a turning point in the life of the Russian Church as an economic institution. The third part of the Regulation was devoted to the duties, the office and the power of the Spiritual College (the original name of the Synod).[86] Its broadest duty in the economic field was to oversee the exploitation of all the property of the Church.[87] This was itemized in the various parts of the Regulation. The Holy Synod was responsible for the application of the following measures:

(1) that life in common be observed in the monasteries;[88]
(2) that all the income of the monasteries be kept in a designated place, and from it there be drawn what was necessary to meet the obligations of the church, the monastery and the monks; (pp. 98, 103)

---

[85] *Ibid.*

[86] *Opisanie dokumentov i del*... I, 318.

[87] P. V. Verkhovskoi, *Uchrezhdenie dukhovnoi kollegii i Dukhovnyi Reglament* [*The Establishment of the Spiritual College and the Spiritual Regulation*] (Rostov-on-the-Don, 1916), II, Part I, 73.

[88] *Ibid.*, p. 98. For the following items, only the page *number* will be given in parentheses in the text, because they are all taken from the critical edition of the Spiritual Regulation.

(3) that all financial transactions be strictly accounted for in annual reports to the bishops and to the Synod; (pp. 42, 103)

(4) that monasteries which were too small to be self-sufficient be united to more prosperous units; (p. 102)

(5) that these enlarged monasteries build guest houses for pilgrims, and homes for the old, the sick and the poor, from the revenue that would be left, once the needs of the monastery and its inhabitants had been satisfied; (p. 102)

(6) that the richer monasteries contribute 5% of their income, and the parish churches 3% of theirs, for the upkeep of the bishop's clerical academy, and that the bishops furnish the food for the teachers and students; (pp. 41-42)

(7) that the subsistence of the parochial clergy be drawn from a tax on the parishioners according to the system which the Spiritual College and the Senate will work out. (pp. 42, 91)

In other words, the Spiritual Regulation gave back to the foremost members of the ecclesiastical hierarchy, grouped in the Holy Synod, the economic role which the Tsar had vested in the Monastery Department in 1701. Before one concludes that Peter was undoing at one stroke all the work of twenty years to get the Church integrated into the economic life of the country, he should remember what has been said about a similar about-face in the period 1702-1710. Moreover, the Holy Synod was just as much an agency of the Tsar's will as the Monastery Department had been. It derived its authority from him and carried out his wishes, as will be evident from what follows.

In the Spiritual Regulation, Peter had said:

> As soon as everything is regulated in the Church according to the intention of His Majesty and a proper provision has been made for the priests and clerics by taxes laid upon the parishioners, priests will be prohibited from asking anything; and only permitted to accept the voluntary donations of the people.

The evil of ordaining more priests and deacons than are required for the churches shall be entirely abolished: for such persons, afterwards, not being able to subsist, must necessarily apply to illicit practices. This restraint shall be particularly observed with regard to the parochial clergy; for if such a priest be discovered he shall be taken up and carried before the bishop, who after having severely reprimanded him, shall order him back to the church to which he belongs, to remain there the rest of his life; and in case he does not submit thereto, he shall be degraded. This custom proceeds from the fact that many persons by becoming ecclesiastics got exempted from service to the crown; whereas His Imperial Majesty has ordered that the number of priests be settled according to the want and exigencies of every parish: in pursuance of which the Spiritual College, in conjunction with the Senate, and with the approbation of the Sovereign, prescribed that:

(1) in an episcopal church there shall be only one protopope, two treasurers, five popes, one protodeacon, four deacons, two readers and two vestry keepers; besides thirty-three choristers to sing in the church and perform other business for the bishop;

(2) in a mother church, there shall be one protopope, two popes, two deacons, two singers and two sacristans;

(3) in churches of parishes of great extent, two popes, two deacons, two choristers and two vestry keepers; reckoning one priest for every hundred households. In parishes consisting of 250 to 300 households, three priests, three deacons and three sacristans. In case there be at present more ecclesiastics than the prescribed numbers, they shall be removed to other churches where the number is less: nor shall the bishop ordain new ones until the supernumeraries are all provided for, who until then are to remain in their respective parishes. The children and relations of priests and deacons and of all other persons belonging to the church with their children shall be liable to the poll tax or capitation;

(4) in all the principal churches of Moscow, the number of priests and clerics shall be the same as at present;

(5) besides the above mentioned number of clerics, there shall be forty-four others for the Spiritual College and thirty-three for the bishops.[89]

---

[89] Verkhovskoi, Uchrezhdenie... II, Part I, 91-92.

This passage from the Spiritual Regulation settled the problem of the superfluous clergymen, which had plagued the Russian Church for a century, and it did so by the means suggested by Pufendorf. His words had been: "Instead of wholesome laws to prevent so many who might in some other way have served the public from entering into the Church ..."[90] Peter echoed that when he wrote: "...many persons by becoming ecclesiastics got exempted from service to the crown". Peter's mention of a prohibition from asking anything from the parishioners also echoed Pufendorf's snide remarks about priests, "who take care to be well paid for all they do".[91]

All that concerns the Spiritual Regulation's impact on the Church as an economic institution. How did the Spiritual College or Holy Synod exercise the authority it had been given over the economic life of the Church? It seems that some of the Tsar's agencies made some opposition to the Synod's complete assumption of financial and economic responsibility in Church affairs. Traces of this conflict can be found in documents such as the following, submitted to Peter by the Synod on February 24, 1721. The petition read:

> Patriarchal, episcopal and monastic villages and estates with their rents and arrears, which are administered and registered in the Monastery Department.

---

[90] Pufendorf, Einleitung... (Sayer), II, 82-83.

[91] Ibid., II, 108-109.

> Whether or not they should be registered and administered by the Spiritual College alone? Because the civil administration of these properties has led to waste and embezzlement. But the Spiritual College contains only persons bound by oath to be faithful to His Imperial Majesty and to seek His interests. Moreover, the Spiritual Regulation grants these powers to the Spiritual College.[92]

The Tsar answered: "Be it so". He must also have directed the Senate to desist from its interference in the affairs which now belonged to the Synod, as a result of the Spiritual Regulation, because the Synodal archives for March 3, 1721, contain a note saying that the Senate now required only that copies of the Synod's accounts be given to the Colleges of Finance and Audit.[93] One may guess that the good clergymen were not aware of the volume of business they were assuming when they made their petition to the Tsar on February 24, 1721. This assumption is based on the fact that in the second week of March, 1721, they asked Peter to re-establish the Monastery Department to look after these temporal affairs, pleading that they could not find time for their more spiritual duties. They also asked the Tsar to make the department subject to the Synod's supervision.[94] The Tsar complied and gave as director to this third version of the Monastery Department, the old and experienced administrator-judge, Vasilii Ershov.[95] By acceding to the request of the Synod, Peter was not only enhancing the prestige of the Church, but also assuring the Russian economy of the most profitable exploitation of the property of the Church. This was an indirect way of increasing the government's revenue. Whatever the ecclesiastical properties produced in excess of the needs of the Church could be siphoned off for the needs of the State. The Monastery Department had done it in the past; the Most Holy Governing Synod did it from 1722 on.

---

[92] _Polnoe sobranie postanovlenii i razporiazhenii po vedomstvu pravoslavnago ispovedaniia Rossiiskoi Imperii_ [Complete Collection of the Resolutions and Decrees of the Department of Orthodox Confession of the Russian Empire] (St. Petersburg, 1872-1917), I, 3.

[93] _Ibid._, I, 25.

[94] _Ibid._, I, 30.

An example of how this was done has been kept in the archives of the Synod. The Senate and the Synod exchanged a series of notes between March 8 and June 17, 1723.[96] The first memorandum has been lost, but it can be reconstructed from the following data. An order went out from the Synod to all its agencies and bureaus requesting them to report at once on the amounts of money they had on hand. The Chancery of the Holy Synod reported 5,793 rubles; the Monastery Department, 21,967 in the central office, and another 13,737 rubles in the offices located in the various dioceses; still another bureau had 103 rubles; the Department of Church Affairs had 2,704; the Exchequer reported 11,128; the Ecclesiastical Tribunal had 7,804: a grand total of 63,236 rubles.

---

[95] Ibid., I, 79.

[96] Opisanie dokumentov i del... III, 231-232.

When the Senate was told of this, it sent an order to the Synod to make over to the College of State Control the sum of 62,236 rubles, to help cover the government's need for 250,000 rubles for the troops, the navy and the salary of the ambassadors. The Synod turned over 50,000 rubles. Of this, the College of State Control took 38,082 rubles and 78 kopeks, and returned the rest.

There were other, similar demands made by the Tsar, but this was the only one which could be traced from beginning to end in the documents of the time. This transaction and others like it are indications of the reasons for Peter's not following Pufendorf's suggestion which called for a fusion of the Church's economic life with that of the rest of the country. In the writer's opinion, Peter had found a better solution. He could get all the benefits which Pufendorf described and still give the Church the satisfaction of "running its own house". The previous attempts to "nationalize" the property of the Church had resulted in waste and embezzlement. The care and attention, given by the Church to the administration of its property, meant increased revenue for the Tsar's government, as long as no ill-defined, customary barriers stood between the needs of the government and every last, available ruble in the land. The Spiritual Regulation had given Peter the possibility of laying his hands on the revenue of the Church, whenever he needed it. The Holy Synod and its agencies, including the latest version of the Monastery Department, were the instruments by means of which the Tsar effected the transfer of funds.

The mixture of pragmatic expediency and fidelity to a reform plan which Peter the Great showed in the question of ecclesiastical property is the mark of a true reformer. A radical reformer might be so attached to his plan that he lost sight of the real obstacles in his path. Such a neglect of reality has brought about the downfall of the most carefully laid plans. Peter was too good an administrator to fall prey to such radical tendencies. In Chapter III, Section III, there was a description of the compromise he made between his desire for a unique judicial system and the dual system he found at the beginning of his reign. In that instance, he had settled for an effective control of the ecclesiastical judiciary. He did the same in the case of the Church as an economic institution.

Pufendorf's second suggestion had been concerned with the number of superfluous clergymen. Peter had dealt with the part of the problem which involved the parochial clergy, in the excerpt from the Spiritual Regulation which has already been cited.[97] But what about the monasteries? Pufendorf had been particularly bitter about the idle, plentiful life which the monks led.[98] Peter had done something about that by putting them on salary, as the third suggestion required. In 1724, he promulgated a special edict on monasteries. Many of the prescriptions of this law will be discussed in the chapter which treats of the Church as a welfare institution. For the moment, only the preamble to the edict has a bearing on the economic problems being studied.

---

[97] _Supra_, p. 220.

[98] Pufendorf, _Einleitung_... (Sayer), II, 83-84.

> We shall begin by examining whether monks among us can answer all the obligations a monastic life requires. The severity of our northern climate does not permit it, where, as everyone knows, it would be impossible for them to subsist without working or procuring others to work for them. This truth being established, that the rigor of our climate does not permit monks to live in deserts, agreeable to their first institution, it is necessary to find out proper means to keep them on a footing becoming religion.[99]
>
> Only two reasons ought to be assigned for the monastic state:
>
> (1) to gratify those who have a true vocation to this state;
>
> (2) to fill up the functions of the episcopacy; since it is an ancient custom among us that none but monks can arrive at that dignity, although at other times, in the three centuries which immediately followed the death of Jesus Christ, bishops were certainly not monks.
>
> It being absolutely impossible, then, on account of the rigor of our climate, as We said, to recall Our monks to their original institution, We ought to look for other means agreeable to God and instructive to mankind, and We have the greater reason to do this, since the life the monks at present lead is only a false pretext. Monks are become the scandal and derision of other religions, and the reproach of Our

---

[99] Pufendorf had said: "Thus monasteries, at first erected in times of persecution for the reception of such as devoted themselves to religious exercises, and in which the members who observed a very severe discipline contented themselves with a most ordinary fare, were filled with persons drawn thither by the prospect of faring well and living idly". S. Pufendorf, An Introduction to the History of the Principal States of Europe, trans. J. Sayer. (London, 1744), II, 84.

> own. Nay, they are dangerous to the state, since for the most part they are become useless sluggards, who go into convents merely from the love of idleness; and as is well known, invent superstitious schisms, and even excite tumults in the state. The greatest part of Our own monks are country peasants, who far from renouncing the ease and advantages of life, embrace the monastic state on purpose to procure them and to avoid those duties which their indolence renders burdensome. In their own villages they had three obligations: to provide for the subsistence of their families, to serve the state and to cultivate their lands; but since they have become monks, they apply to no business, their own subsistence being provided for them. If by chance they do work in the monastic state, it is only for themselves, and of the three obligations incumbent on them as laborers, they scarcely discharge one as monks. Do we see them applying themselves to explaining the Holy Scriptures, or instructing the people? But they will answer you, we pray. Do not all men pray? Saint Basil has refuted this vain pretense. What advantage does science draw from the monasteries? It can be answered by an ancient proverb, none at all: neither for God nor for man. However, there is a kind of labor which these useless and idle monks may perform, agreeable to God and honorable in the eyes of men, which is to serve the truly necessitous, infants and old men; and these are the motives that engaged Us to order the Spiritual College (Holy Synod) to take care that the following articles be observed and executed.[100]

Thus did Peter deal with "useless and idle" monks. The work he assigned them was of a welfare nature and it will be treated in another chapter. The edict on the monasteries drew together many of Peter's previous measures. Unless the monks had been put on salary, there would have been no means of assuming these welfare obligations. Without the accounting procedures introduced by the Monastery Department after the death of the Patriarch, it would have been impossible to put the monks on salary. The accounting itself had been an effort to cope with the problem of "superfluous clergymen".

---

[100] Polnoe sobranie zakonov... VII, 226-228, No. 4450.

The Russia which Peter left in 1725 had a Church whose revenue was controlled by the Tsar, although the administration of the ecclesiastical property was in the hands of the clergy. Everyone in the Church received a specified salary, or at least had to keep his expenses within certain bounds. The exact number of the parochial clergy was stipulated by law. The monasteries had been "consolidated", by merging the uneconomical institutions with the more prosperous. Work useful to the country as a whole had been assigned to the surviving monasteries. The surplus revenue from the Church's economic activity was being used for the needs of the government. The regular taxes of the Tsar were not levied directly on the property of the Church as on the crown's holdings, but a part of the government's expenses had to be defrayed by the Church. The exploitation of the estates of the Church had been improved to a degree which can be measured by referring to the sums which the Tsar was able to pour into his coffers from this hitherto barren part of the Russian economy.

Pufendorf had prescribed that the Church should have no independent economic life, that the number of clergymen be controlled according to the needs of the country and that the necessary clergymen receive a salary determined by the civil magistrate. Peter had done all of that and more.

* * *

Chapter V-The Church as an Educational Institution.

Prior to 1700, the Russian Orthodox Church was the only educational institution in Russia which reached the masses of the people. This it did by means of its liturgy and pulpit instructions. Besides this broad educational activity, the Church operated a number of schools. The sections in this chapter will follow this two-fold division in the educational activity of the Church.

Section I- The Church's Quasi-monopoly of Education in 1700.

At the beginning of Peter's reign, the Church had a system of schools to train its future clergymen. These schools were attached to monasteries, episcopal residences and parochial churches. There were also a few academies where a more developed program of studies was followed and where laymen could be enrolled. The great majority of the people, however, never saw the inside of these schools. The masses remained illiterate because their only access to education was attendance at the Church services.

The most famous educational establishment in Peter's Russia was the Academy of Kiev. It had achieved this status through the re-organization of its program by Peter Mogila, in 1631. He had followed the model of the Polish Jesuits. As conceived by Mogila, education consisted primarily in the teaching of theology and the allied ecclesiastical disciplines. To prepare the students for these arduous studies, he subjected them to the refining influence of Latin and

Greek, philosophy, mathematics, grammar, astronomy and music.[1] As testimony of the eminence of the Academy of Kiev in the first years of Peter's reign, one could point to the fact that the two most prominent clergymen of the period, Stepan Iavorskii and Feofan Prokopovich, had been trained there. Feofan even taught at the Academy until the Tsar summoned him to the court to act as his personal adviser on questions of law, religion and propaganda.

The first schools in Moscow (besides those attached to parochial churches and episcopal residences, which will be discussed later,) to emulate the Academy of Kiev do not antedate 1640. At that time, some Kievan monks had come to the capital at the request of the Tsar.[2] Their school specialized in the teaching of Latin and Greek. The graduates of this first Moscow Academy served the Church and the Tsar as translators and interpreters. A quarter of a century later, another Kievan monk, Simeon of Polotsk, opened a school in the Spasskii Monastery of Moscow. Soon after 1665, this institution became known throughout the Muscovite realm as the Zaikonospasskii Academy, because it was in the Saviour's Monastery, behind the Alley of the Ikons. In this school, laymen as well as clerics were taught Latin, Russian and Greek and the other disciplines which Simeon himself had learned in Kiev.[3] One of the better known figures, who studied in the Zaikonospasskii Academy before becoming historically significant, was Sylvester Medvedev, the historian of the revolt of 1682 and the trusted counsellor of the regent, Sophia.[4]

---

[1] Just about all that can be said from primary sources about the Academy of Kiev is contained in the first three volumes of the series *Pamiatniki, izdannye Vremennoi komissiei dlia razbora drevnykh aktov* [*Memorials, Published by the Temporary Commission for the Critique of Ancient Acts*] (Kiev, 1846-1852), I, Part I, 1-252; II, Part I, 1-276; III, Part I, 1-96. Extracts from these documents are contained in S. Golubev, *Istoriia Kievskoi dukhovnoi akademii* [*History of the Ecclesiastical Academy of Kiev*] *(Kiev, 1886)*. For the Polish influence on Mogila's reform of the Academy, see, M. Linchevskii, "Pedagogiia drevnykh bratskikh shkol i preimushestvenno drevnei kievskoi akademii" [The Pedagogy of the Old Brotherhood Schools and Especially the Old Kievan Academy], *Trudy Kievskoi Dukhovnoi Akademii* [*Works of the Ecclesiastical Academy of Kiev*], *III (1870)*, 104-154, 437-500.

[2] N. F. Kapterev, *Patriarkh Nikon i Tsar' Aleksei Mikhailovich* (Sergiev *Posad, 1909-1912)*, *I, 47-48*.

The first Russian monk to break the monopoly of Kiev in the ecclesiastical schools of Moscow was Timofei, who had received his education in the Orthodox monasteries of Palestine and Greece, especially in that of Mount Athos. His school opened its doors in 1680 and it became attached to the Moscow Printing Press, for which it prepared correctors and proof readers. In 1686, this school had 66 students of Greek and 166 working towards a better and more correct understanding of Church Slavonic.[5]

---

[3] N. F. Kapterev, "O greko-latinskikh shkolakh v Moskve v XVII veke do otkrytiia slaviano-greko-latinskoi akademii" [About the Greko-Latin Schools in Moscow Before the Opening of the Slavo-Greek-Latin Academy], Pribavleniia k izdaniiu tvorenii sviatykh ottsëv [Additions to the Publication of the Works of the Holy Fathers], XLIX (1889), 588-679.

[4] Chteniia v Obshchestve istorii i drevnostei rossiiskikh pri Moskovskom universitete [Lectures of the Society of Russian History and Antiquities in Moscow University], CLXXI (Oct.-Dec. 1894), Part II, 1-197.

The most famous of the Moscow academies, and the only one to rival the Academy of Kiev, was the Slavo-Greek-Latin Academy, founded on the order of the Tsar, in 1682. The charter which detailed the privileges of the new academy is a rarity because it has a blank in its date, viz. "In the year of the creation of the world 7190, and of the coming of the Word of God 1682, in the month..."[6] This charter was confirmed by the regent, Sophia, on January 21, 1685, and the metrical version of Sylvester Medvedev has been preserved.[7] From these documents, one finds that the school's program covered the cycle included in the secondary and higher education of the Middle Ages: grammar, poetics, rhetoric, dialectics, logic, natural philosophy, ethics and theology. The position of the Slavo-Greek-Latin Academy in the educational system of the Church of Russia is also described by these documents which forbid the opening of other, rival academies in Moscow,[8] where foreign teachers might teach from blasphemous, heretical, foreign books.[9] Tsar

---

[5] *Ibid.*, CXXXIX (Oct.-Dec. 1886), Part I, 6 *et seq*.

[6] *Drevniaia Rossiiskaia Vivliofika* [Ancient Russian Library] (Myshkin, 1891-1897), I, Part II, 104.

[7] *Ibid.*, 104-110.

[8] *Ibid.*, 94-95.

[9] *Ibid.*, 95.

Fëdor Alekseievich and the regent, Sophia, also assigned to the Academy the role of watchdog over the orthodoxy of the faith of the Russian people, by saying they would hold the school responsible for the heresies which arose among the foreigners residing in Russia.[10]

This Academy became known as the Academy of Moscow and it did not restrict its enrollment to clerics. In the first year of its operation, it had 32 students.[11] Recent Soviet historians have questioned the ecclesiastical character of all the educational institutions which existed in the early years of Peter's reign, but more specially the Slavo-Greek-Latin Academy.[12] They quote the charters of Fëdor and Sophia, which have been mentioned above, but they do not seem to understand the essentially religious significance of the goal given to the Academy by the Tsar, nor the fact that all the teachers were monks. A thorough discussion of this Soviet bias will be made in the third section of the present chapter.

The various academies mentioned thus far were the only educational institutions of any renown at the beginning of Peter's reign. Besides them, a great number of lesser known

---

[10] Ibid., 96.

[11] Chteniia... CXXXIX (Oct.-Dec. 1886), Part I, 12-20.

[12] A. A. Novosel'skii, N. V. Ustiugov et al., Period Feodalizma: XVII v. [The Feudal Period: Seventeenth Century] (Moscow, 1955), an unnumbered volume in Ocherki istorii SSSR [Studies in the History of the U. S. S. R.], pp. 554-567, 694-703, 710-712.

Church schools flourished. These were attached to monasteries, parish churches and episcopal residences. Unlike the academies, which admitted laymen, these schools were used exclusively for the education of future clergymen, black or monastic and white or parochial. Very little has been written about these schools, their program of studies, the number of their students or their pedagogical methods. Indirectly, one can get a fairly detailed picture of them from the laws which Peter issued. Since these laws will be discussed in the third section of this chapter, the complete picture will have to wait.

How did the Russian Orthodox Church act as an educational agent for the masses of the people? Before attempting an answer to that question, it must be said that education was not considered an end in itself by the Russian Church. The education which the people was given depended on the conception of society which the Church had. The ideal, as described by Patriarch Adrian, in 1690,[13] was to set up a counterpart to the order which was supposed to exist in heaven. The Tsar and the Church had major roles to play in the realization of this ideal. The ordinary citizens were to follow docilely the directives handed down by those who knew God's plan. The rule of life for everyday living had been given once and for all time by Jesus

---

[13] _Supra_, pp. 18-19.

Christ himself, and the best one could do was to live up to the letter of the Gospel's teaching. It was, therefore, the duty of the Church to instill into its children the precepts of the Gospel. By joining in the singing of the liturgy, the faithful became familiar with the biblical texts it contained. The various attributes of God were repeated and chanted in the form of litanies. The same means were used to teach the duties of man as a Christian living in this "vale of tears". More practical instructions yet, were imparted in the form of homilies and sermons, generously spiced with examples taken from the lives of the Greek and Russian saints. These paradigms of virtue, which the parishioners were to admire and imitate were also represented in the ikons which graced the "beautiful corner" or krasnyi ugol of every Russian home.

This form of religious education was poorly adapted to the task of distinguishing between true, traditional, religious beliefs and practices, and the remains of heathen superstitions, which clung tenaciously to the memory and imagination of illiterate peasants. It was, on the other hand, admirably suited to the task of preserving intact in an uneducated people the legacy of the past.

How did this type of mass education affect the clergy, the dispensers of education? The most evident answer, and the history of seventeenth century Russia furnishes it, is that the clergy became so accustomed to looking to the past for the guidance it gave to the faithful, that when faced with problems arising from changes in the intellectual and political climate, it still tried to hold on to the letter of tradition.[14] This revealed an inability in the clergy to distinguish between the unchanging substance of religion and its outer garments of rites, ceremonies and customs, all of which are subject to the variations of time, place and circumstance. It is typical of illiterate people to be incapable of making such distinctions, but it can become a serious handicap to the Church as an educational institution, when it is shared by the clergy. The case of the Raskol [schism] was very, very revealing. This movement rallied an important fraction of the Russian Orthodox Church, led by some of the most respected clergymen. They separated themselves from the Patriarch over a correction of the liturgical books and a few minor ceremonial changes. The reaction of the Church in this crisis is significant. It decided to use administrative repression as the means of recovering its lost unity.[15] It would seem that as an educational institution, the Church should try to enlighten the misguided zealots of the Raskol. Suppose the representatives of the official Church were not too sure, themselves, what could be altered and what had to be kept intact in "our ancient faith"? Then, there would have been no recourse but the use of violence to force the "deviationists" back into the fold. The fact that up to the Church reforms of Peter the Great, no means had been found to cope with the schism, except the use of force, lends to the hypothesis just made a degree of credibility.

---

[14] N. F. Kapterev, Patriarkh Nikon... II, 113-156.

[15] Ibid., II, 539-547.

Twice already, it has been hinted that there was a link between the Church and the press in the first years of Peter's reign. In fact, the Church exercised a form of censorship over printed material. The historical origin of this right which the Church had, according to Gorchakov, was simply that the first press set up in Muscovite Russia had been installed in a Moscow monastery. It had thus come under the jurisdiction of the Church, and the people attached to the press had been considered ecclesiastical persons. The situation of fact had received legal sanction in 1553.[16] In 1700, the original printing venture had grown considerably but all the persons associated with the press were still considered ecclesiastical.[17]

In short, at the beginning of Peter's reign, the Church, as an educational institution, was reaching a very small portion of the population with its schools. A handful of academies dispensed what would be called today secondary and higher education to a few hundred persons, most of them ecclesiastics. The great majority of the clergy, however, was being prepared to exercise its functions in the schools attached to churches, monasteries and cathedrals. These schools could at best impart literacy and pass on the traditional beliefs of the Russian Church. But there was no other formal education in Russia at the beginning of Peter's reign. The Church also had censorship rights over the press.

---

[16] M. I. Gorchakov, Monastyrskii Prikaz (1649-1725gg.) [The Monastery Department from the Year 1649 to the Year 1725] (St. Petersburg, 1868), p. 183.

[17] *Ibid*.

As far as the mass of the people was concerned, the Church considered education as one of its secondary functions. In its conception of the world, it seemed more important to give the people an advance taste of heaven by conducting liturgical services of surpassing beauty and majesty. This did not mean that the monks who thought they could best please God by knowing His creation better, would be impeded in the pursuit of knowledge, but for the mass of the people, the Church believed it sufficient to educate them through their participation in the chant and the ceremonies of the liturgy. It may help to establish the correct perspective to note that the notion of popular education current in Russia at the beginning of Peter's reign was not very different from that which prevailed in the West until the late Renaissance.[18]

Section II- Pufendorf Says: "All Education Must Help the Supreme Civil Magistrate's Quest for the Common Good".

The suggestions which Pufendorf formulated concerning the Church as an educational institution needed some adaptation before they could be applied to the facts described in the previous section. As a teacher in Denmark, Germany and Sweden, he was familiar with the educational systems in existence in the Protestant countries of northern Europe. He was also familiar with the educational role assumed by the Roman Catholic clergy in the past and by the Protestant clergy in the present. Pufendorf also knew intimately the arsenal of controls which the princes had forged to direct the activities of the schools, especially the universities.

---

[18] G. Kurth, "Moyen Age", Dictionnaire Apologétique de la Foi Catholique, III, 942-948, (Paris, 1926). The very negative picture given of education in Russia at the beginning of Peter's reign by Runkevich may be explained in part by a lack of perspective. He stresses almost exclusively the educational role of the Church with regard to the mass of the people and overlooks the formal, educational institutions, such as the academies and the schools attached to churches, monasteries and episcopal residences. Vide, S. G. Runkevich, Uchrezhdenie i pervonachal'noe ustroistvo sviateishago pravitel'stvuiushchago sinoda (1721-1725gg.) [The Institution and Original Structure of the Most Holy Governing Synod, 1721 to 1725] (St. Petersburg, 1900), pp. 1-21.

His experience with the governments of Protestant northern Europe had one thing in common with the Russian facts of the beginning of Peter's reign: formal education was for a small minority; the vast majority had to rely upon the instructions they received in church to be informed of anything.

In the *De officio*, Pufendorf stated the goal of all education in the following terms:

> To the rulers of a state a citizen owes respect, loyalty and obedience. This implies that one acquiesce in the present regime, and have no thoughts of revolution; that one refrain from attaching himself to any other, or admiring and respecting him; that one have a good and honorable opinion of the rulers and their acts and express himself accordingly.[19]

In other words, education must be a thorough indoctrination. The citizens must be indoctrinated so well that they not only accept the acts of the rulers without opposition, but they must also persuade themselves that they are the best possible.

How was one to bring this about? Pufendorf did not mince words; he said:

---

[19] S. Pufendorf, *De officio hominis et civis secundum legem naturalem libri II* [*On the Duty of Man and Citizen According to Natural Law*: Two Books] (Lund, 1673). This work has been reproduced and translated under the title *De officio hominis et civis juxta legem naturalem libri duo* (*New York, 1927*), in the series *Classics of International Law*. Volume I contains the Latin *text of the 1682 edition* (*photostat*), and Volume II a translation by F. G. Moore. The 1927 edition is henceforth cited as *De officio* (1927). II, 144.

> Finally, since the actions of men are controlled by their several opinions, and most men are in the habit of judging things in accordance with their habit, or as they see that the matter is commonly judged; and since very few can by their own ability distinguish truth and honor, it is expedient for the state that it resound with such teachings publicly taught, as are in harmony with the proper end and need of the state, and at the same time, that the citizens' mind be imbued with them from childhood. Hence it is the duty of the supreme authority to appoint men to give such instruction publicly.[20]

Such is the Pufendorfian formula for "thought control" by means of education. The "proper end and need of the state" determine the content of the courses. The supreme authority appoints the professors and other purveyors of the official doctrine. The citizens are steeped in the views of the supreme authority from childhood that they may develop the habit of doing what is agreeable to the state. Finally, the whole system rests upon the avowed belief that "very few can by their own ability distinguish truth and honor".

In another passage from the same book, Pufendorf is even more explicit, especially with regard to the motives of his thought control.

> For the internal tranquility of the state, it is necessary that the wills of the citizens be controlled and guided, as is expedient for the welfare of the state. Hence, it is the duty of rulers not only to prescribe laws suited to that end, but also to conform public education that the citizens shall accept legal prescriptions not so much from fear of punishment as by habit. It contributes to this end also, to take care that Christian doctrine, in its pure and unmixed form, shall flourish in the state, and that in the public schools such teachings be imparted as are in

---

[20] *Ibid.*, II, 111-112.

conformity with the purpose of the state.[21] Education is thus a way to shape the wills of the citizens. The Christian doctrine must also be used for this purpose, by selecting the Christian teachings which are in conformity with the purpose of the state as the content of the public school program of studies.

The three texts cited above referred to education in general. In Peter's Russia, as has been seen in the previous section, the Church had a quasi-monopoly of education. Therefore, a text pertaining to education would be applicable to the Church, when discussed in Russia, at the beginning of Peter's reign. But Pufendorf did not overlook the teaching function of the clergy, in his *De officio*. There, he said:

> Those who are publicly appointed to perform the rites of religion must do so with dignity and attention, set forth true dogmas concerning the worship of God, show themselves to the people a conspicuous example of their own teaching, and not rob their office of dignity, their teaching of weight, by moral depravity. Those who are publicly commanded to instill knowledge of various kinds into the minds of the citizens, must teach nothing false or pernicious; but so impart the truth that their hearers may assent, not from mere habit of the lecture-room so much as because they have perceived the substantial reasons therefor. They must avoid all teachings tending to disturb civil society, and hold all human knowledge vain, if no advantage flows from it for the life of man and citizen.[22]

Pufendorf, thus assigns to the clergy a type of teaching which must aim at more than habitual assent. But, in trying to demonstrate "the substantial reasons" for their teachings, the clergy must avoid any doctrine "tending to disturb civil society". The most effective kind of teaching which the clergy exercises is that of being "a conspicuous example of their own teaching". Finally, the clergy must not waste time on things "which have no advantage for the life of man and citizen".

---

[21] *Ibid.*, II, 121.

[22] *Ibid.*, II, 145.

Before passing on to the way Pufendorf read the "lesson of history", it may be useful to point out the particular meaning which the words "public" and "publicly" have in Pufendorf's vocabulary. The last text is especially explicit. There is no doubt possible in these two cases. "Publicly appointed" and "publicly commanded" can only mean "appointed by the supreme authority" and "commanded by the supreme authority". The remark has its place, for today "public", when applied to education in America, is opposed to "parochial", "confessional" or "private". In the seventeenth century there was no system of "public" education in the contemporary sense. There was, however, a form of education which the ordinary people derived from attendance at church. The writer believes that any education given under the guidance of the supreme authority was "public education" for Pufendorf, whether it took place in a school or in a church.

In the Einleitung, Pufendorf did not only speak of "Christian doctrine in its pure and unmixed form"; he said the "Protestant religion". This was an application of the principle "cuius regio, eius religio". Writing primarily for Protestant countries, Pufendorf took it for granted that the supreme authority wanted its own version of Christianity "publicly taught". In Peter's Russia, the principle would require the "public teaching" of the Russian Orthodox faith. Pufendorf's words were:

> Schools should be filled with men well qualified to instruct young persons in the fundamentals of the Protestant religion. The clergy should watch constantly and warn their hearers against the designs of the Romish priests; and as example is more prevalent than precept they ought to be exemplary in their lives. The practice of morality, to which the peace, order and prosperity of every nation are in great measure owing, should not only be inculcated but enforced by rewards and punishments. And in order to make the observation of these general it is of vast consequence for persons eminent by rank or station to convince the lower sort of people that they are themselves influenced by the great precepts of Christianity.[23]

The only new detail added by this text concerns the use of persons of eminent rank as living examples of Protestant morality. Attention might also be drawn to the duty imposed on the clergy of informing their parishioners of the "designs of the Romish priests".

Despite the total control by the supreme civil magistrate, which he advocated in education, Pufendorf did not hesitate to write:

> Amongst other instances of prostituting learning to the cause of priestcraft the power of licensing books, which is exercised by the Pope or his deputies,

---

[23] S. Pufendorf, An Introduction to the History of the Principal States of Europe, trans. J. Sayer. (London, 1744), II, 118.

> ought not to be passed over. By virtue of this not only books which the clergy dislike are prevented from seeing the light, but when the works of any author are reprinted all passages prejudicial to their schemes are left out, and others which may be serviceable thereto are often inserted: nay, if anything is overlooked in one edition it is marked in an Index kept for this purpose to be left out in the next. As the books written in defense of the Protestant religion are not allowed to be read but by persons thoroughly in the interest of Rome, these may misrepresent to the common people the doctrines of Protestants as much as they please: it being impossible for the latter to vindicate themselves to such as are not allowed to read their defense...Accounts of miracles wrought in distant countries and of surprising things done by martyrs are likewise frequently published; and as nobody dares to question the truth thereof these are believed and wondered at by the vulgar.[24]

Thus, according to Pufendorf, the supreme civil magistrate is allowed to select which teachings of Christianity will be propounded as being in harmony with the purpose of the State, but the Church must not do it. In other words, censorship of books, in itself, is not a bad thing. The civil magistrate uses it to pursue the common good, to prevent the teaching of doctrines tending to disturb civil society, untrue dogmas and things false and pernicious.[25] The Church uses censorship of books only to keep the people in ignorance and error.

In that connection, the greatest instrument of obfuscation in the Church as an educational institution is described by Pufendorf in the following terms:

---

[24] Ibid., II, 111.

[25] Pufendorf, Einleitung... (Sayer), II, 111-112, 121, 145.

> As the universities in Catholic countries are under the Pope's direction it is easy to conceive that none but his creatures are advanced to professorships. The consequence is that those who teach divinity, civil law, or even philosophy, instead of letting young students into the truth of things make it their business to amuse or confound ingenious minds with unmeaning terms or trifling distinctions, lest they should discover by examining fairly the rotten foundations of papal power. The divinity of the Romish schools consists of a heap of frivolous questions invented by Peter Lombard, Thomas Aquinas, Scotus and such like pedants: and what is called philosophy is a heap of idle chimeras. The Catholic universities were not only overrun with such solemn nonsense and vain speculations in the dark times of ignorance, but as much as possible of these is retained in this enlightened age. Morality in particular is perplexed with many unintelligible or double meaning distinctions, on purpose that the common people being bewildered may give up their consciences to the direction of confessors and casuists.[26]

The universities with their professors and students must be delivered from their bondage to the Church, which has totally deformed them for its own ends. Theology, philosophy, civil law and ethics must be purged of the nonsense which the Church has substituted for these serious disciplines, again in its own interests. The teaching of morality must be more specially investigated, because by this means, the Church robs people of their conscience.

Finally, the supreme civil magistrate must particularly distrust the Jesuits.

> As the revival of learning was a principal cause of the Reformation, it became necessary to be more artful in these things; and the instruction of youth in private schools as well as universities has since

---

[26] S. Pufendorf, An Introduction... II, 110.

> been committed to the Jesuits. These being bound by a more strict vow to support the Pope's power all imaginable care is taken that nothing destructive thereto be instilled into their pupils: on the contrary, the impression of veneration for the Pope is so deeply made on their tender minds that it is scarce to be effaced by the strongest reasons that can be offered. The Jesuits by thus engrossing the care of youth have not only acquired great riches, but as they have thereby an opportunity of knowing the circumstances and capacities of their disciples they prevail on many who are remarkable for wealth or understanding to enter into their order; and some who do not choose to enter thereinto frequently promote its interest when they come into the world. They do indeed boast of the good rules observed in their society, and pique themselves on their method of teaching the Latin tongue; but it is well known that their scholars, except such as are intended for their own order are kept a good deal in ignorance. Upon the whole, however, it must be allowed that the Jesuits are more learned, obliging and polite than the other orders. By these qualities they have insinuated themselves as confessors into most courts, and they have played their cards so cunningly that the affairs of many princes, in the management of which they never forget the Popes and their own interest, are got entirely into their hands.[27]

No comment is needed on that indictment. Still, one must point out that Pufendorf reproaches the Jesuits with taking unfair advantage of the young minds, entrusted to their care, to stuff them with their papal bias. On the other hand, he advises the supreme civil magistrate to begin his indoctrination of his subjects from childhood.[28]

With regard to education, the teachings of Pufendorf may be summarized in the following suggestions:

---

[27] Ibid., II, 110-111.

[28] Pufendorf, Einleitung... (Sayer), II, 111-112.

(1) education must aim at giving the subjects the firm conviction that their ruler is the best possible;

(2) to bring this about, the supreme civil magistrate should appoint the men who do the indoctrinating;

(3) the content of public education must be carefully selected in view of the purpose and the need of the State;

(4) the clergy must teach primarily by giving the example of Christian virtues; this applies also to persons of eminent rank;

(5) in its formal teaching, the clergy must avoid untrue dogmas, doctrines which tend to disturb civil society and everything false and pernicious, especially false miracles and bogus saints;

(6) censorship of books must be done by the civil magistrate, not by the Church;

(7) the program of the universities must be purged of the nonsense which the Church has substituted for true learning, especially in moral matters;

(8) Jesuits need special watching: they are more clever than other clergymen and more devoted to the Church.

Since the only educational institution in Peter's Russia was the Church, all of these precepts would have a bearing on the Church if a Pufendorfian statesman became supreme civil magistrate. Peter the Great was that statesman.

Section III- The Church: Enlightening Agent of Peter's Proto-Enlightened Despotism.

Twelve days before Patriarch Adrian died, on October 4, 1700, to be exact, Peter the Great made a speech to the dying Patriarch. The longhand notes of Peter's secretary have been recently published. Since the speech dealt with the ignorance of the clergy and what the Tsar considered the inadequacies of the Church as an educational institution in 1700, there can be no better starting point for the study of Peter's reforms in this field than that speech.

> Notification made in the name of the Lord. The Great Lord Tsar wanted to speak to the Most Holy Patriarch. He visited him in his illness on October 4. The Tsar said:
>
> The clergy are almost all illiterate. They should learn to administer the sacraments before being raised to this rank. To do this, a man is needed--not only one--and a definite place to do it in.
>
> In order to arouse thoughts which lead to a knowledge and to a love of God among the Orthodox Christians and unbelievers: Tartars, Mordvins, Cheremissy and others, who do not know the Lord as Creator. For this, it is necessary to send ten persons to the school of Kiev. When they return here, they can do what they have seen their teachers doing.
>
> Thanks be to God, there is a school here, where this could be done; but little is learned here, because no one supervises what is done in the school. For this it is necessary to find a person of high rank and with a good name who could see that the needs of the teachers and students were attended to. It is not anyone who could do this. Is there even such a person here?
>
> Evangelical teaching and its light, that is, knowledge of God, is more necessary than anything else for man even in this life. And from the school, it could spread to meet the needs of the people, who learned of it with a receptive mind, by coming to the Church services; and the school could also help ameliorate civil life, by a knowledge of construction

> and of the healing arts of the doctor. Then again, many persons wish their children to study the liberal arts and they entrust them, even here, to foreigners who do not even speak our Slavic tongue correctly. These foreigners have different faiths and they pass on their heresies to the little children with their lessons, from which harm comes to the children and even greater loss may be suffered by Our Holy Church and Our language from this imprudent teaching. But all that is good could be learned in Our school if we had a learned and artful teaching. And if anyone were trained in the sciences, no matter where, he could be used in the Tsar's school although he came just for that.
>
> It would still be necessary to supervise and guide with careful zeal. For just as faith without acts and acts without true faith are both equally dead, in the same way, words without practice and work without supervision and without care will not succeed in being useful.
>
> Although the great evils of the devil and his machinations upon the people will not be totally displaced anywhere by reasoned knowledge, this knowledge will at least put some stops to them.
>
> May the Lord God help Us in all ways to effect the salvation of the people.[29]

The disjointed phrases of the secretary's notes have been preserved in translation. Whether or not Peter the Great was already under the influence of Pufendorf in 1700, it is nevertheless interesting to note his reference to the need for "a person of high rank and with a good name" to look after the teachers and students. Pufendorf's fourth suggestion on education had stressed the same importance to be attached to the example given by persons of high rank. The

---

[29] N. A. Voskresenskii (ed.), Zakonodatel'nye akty Petra I [Legislative Acts of Peter I] (Moscow-Leningrad, 1945), I, 33-34.

Tsar's use of the needs of the State for architects, doctors and linguists, as a criterion for determining the curriculum of the school, also may have been inspired by Pufendorf's third suggestion, requiring that the content of public education be determined by the purpose and need of the State. The seventh suggestion, demanding that the education of the Church in institutions of higher learning conform to the needs of the State by stressing useful subjects, may also have a bearing here.

The content of Peter's speech to the dying patriarch may be attributable to his general views on education since it is not certain that he knew Pufendorf's opinions on the subject prior to 1703. On the other hand, the speech may be taken as an indication of Peter's receptivity of West European ideas as a result of his first voyage to the West. If the latter hypothesis were true, the interesting number of parallels, similarities and coincidences of thought and expression between Peter and Pufendorf would mean that Peter found the German jurist a particularly congenial bearer of the West European ideas.

Peter's indictment of the Academy of Moscow was fully substantiated by Kurbatov in the letter which he sent to the Tsar announcing the death of the Patriarch. In Kurbatov's words:

> The school which was administered by the Patriarch and directed by the monk, Palladius, must be totally reorganized. The ceilings have fallen down and the stoves are broken. The 150 students are among the

less gifted youths and some are plainly unteachable.[30]

In his speech of October 4, 1700, Peter had indicated that the Academy of Kiev should be imitated. A few months later, he issued an ukase to Varlaam Iasinskii, metropolitan of Kiev, ordering him to admit to the academy students from all the classes of society and from all parts of the realm.[31] This could only be construed as an effort on the Tsar's part to give the most famous school in his realm a still more important place in the educational picture. It also meant, in the writer's opinion, that Peter intended using the educational facilities of the Church for the State's needs. It seems safe to say that Peter did not wish to swell the ranks of the clergy, by encouraging boys from all the social classes to get an education which would lead them to accepting ecclesiastical orders. Hosts of laws and orders aimed precisely at restricting the size of the clergy.[32] Given the avowed intention of the Tsar to prevent any growth in the number of clergymen, the writer thinks the law of 1701 meant that the humanist program of the Academy of Kiev was to be expanded, but still remain under the Church's direction. Otherwise, why address the ukase to the metropolitan of Kiev?

---

[30] P. V. Verkhovskoi, Ocherki po Istorii Russkoi Tserkvi v XVIII i XIX stoletii [Outlines of the History of the Russian Church in the XVIII and XIX Centuries] (Warsaw, 1912), p. 108.

[31] Polnoe sobranie zakonov Rossiiskoi Imperii s 1649 g. [Complete Collection of the Laws of the Russian Empire from 1649] (St. Petersburg, 1830-1916), IV, 173-174, No. 1870.

[32] Pis'ma i bumagi imperatora Petra Velikago [Letters and Papers of the Emperor Peter the Great] (Moscow, 1887-1956), V, 35; Polnoe sobranie zakonov... IV, 668, No. 2352; P. V. Verkhovskoi, Uchrezhdenie dukhovnoi kollegii i Dukhovnyi Reglament [The Establishment of the Spiritual College and the Spiritual Regulation] (Rostov-on-the-Don, 1916), II, Part I, 74-75.

This view is not shared by the Soviet historians who are editing the series *Studies in the History of the U. S. S. R.*[33] They seem to be bent upon showing the non-ecclesiastical character of education at the beginning of Peter's reign. The origin of such secular institutions as the schools of Navigation,[34] Artillery,[35] and Engineering,[36] is described with a wealth of detail, while their dependence on the already existing Church schools is reduced to oblique references. An example of this procedure is the mention that the first Russian-born writer of textbooks, Magnitskii, was a graduate of the Slavo-Greek-Latin Academy, a Church school.[37]

---

[33] B. B. Kafengauz, N. I. Pavlenko *et al.*, *Rossiia v pervoi chetverti XVIII v.: Preobrazovaniia Petra I* [*Russia in the First Quarter of the Eighteenth Century: The Reforms of Peter I*] (Moscow, 1954), an unnumbered volume in *Ocherki istorii SSSR: Period Feodalizma* [*Studies in the History of the U. S. S. R.: The Feudal Period*]. pp. 655-681.

[34] *Ibid.*, pp. 655-660.

[35] *Ibid.*, pp. 660-661.

[36] *Ibid.*, pp. 661-662.

[37] *Ibid.*, p. 670.

In striking contrast to the abundance of information about the new secular schools, with their small enrollment, are the few lines which say, without comment, that there were at that time 46 schools lodged in the homes of the clergy--sixteen of them being in the one diocese of Novgorod--and 42 others, attached to parochial churches or monasteries: the enrollment in the latter type alone being 2,000 students.[38]

The bias of the Soviet historians is further revealed in the classification which they offer for schools in the first quarter of the eighteenth century. They say that schools were then of three types: (1) Beginners' schools, (2) Professional schools, such as those of navigation, artillery, engineering and medical schools and academies; (3) Schools of general learning, such as the gymnasium of Gluck.[39] If one accepted this classification, he would conclude that all of the Church schools were of the first type, because it is only in that division that any word with an ecclesiastical connotation occurs. The Slavo-Greek-Latin Academy, also known as the Academy of Moscow, is not even mentioned, although it furnished many of the teachers who staffed the schools which are listed in the classification. Nor is it mentioned that "ciphering and episcopal schools" were one and the same thing for a number of years. Nor is it said that all forms of education were financed by the revenues of the Church. All these points will be established as this chapter unfolds.

---

[38] *Ibid*., pp. 666-667.

[39] *Ibid*., p. 667.

On the other hand, the Soviet historians are careful to guard themselves against the charge of bias which is being made here. In the paragraphs which they devote to textbooks, they say that the only alphabets from which one could learn to read and write, in this period, were those printed in the Church's characters and used in ecclesiastical schools.[40] This admission does not sit very well with the claim made in another volume of the series that the pre-Petrine schools were predominantly secular institutions.[41] But enough polemics.

During the early period of his Church reforms, Peter seems to have been trying to adapt the existing ecclesiastical educational system to the needs of the State. The ukase of 1701, concerning the Academy of Kiev, was followed by a much more general law in 1714.[42] This law prescribed that the schools attached to monasteries, parochial churches and episcopal residences, which had hitherto been used only to train future clergymen, should admit the sons of the gentry and of the bureaucracy. Once these non-clerical students had learned to read and write, they were to be taught arithmetic and geometry. The local magistrates were charged with supervising their studies and authorized to grant letters attesting to the fact that such and such a young man had completed the course of instruction given at such and such a place. Without this letter, the sons of the gentry and bureaucracy were not to be married.

---

[40] Ibid., p. 668.

[41] A. A. Novosel'skii, N. V. Ustiugov et al., Period Feodalizma: XVII v. [The Feudal Period: Seventeenth Century] (Moscow, 1955), an unnumbered volume in Ocherki istorii SSSR [Studies in the History of the U. S. S. R.], pp. 554-567.

[42] Polnoe sobranie zakonov... V, 76, No. 2762.

These expanded Church primary schools were called "ciphering schools" in the laws and reports which concerned them. The fact that as many as 2,000 students attended these schools gives some idea of how successful Peter was in his efforts to use the Church's school system to meet the needs of the State. Pufendorf's third and seventh suggestions concerning education had recommended that the content of public education be determined by the needs of the State. Peter seemed to have been doing that, but the adaptation of the existing Church school system to that end had not been foreseen by Pufendorf, who knew little if anything about education in Russia.

Still more impressive evidence of Peter's success can be derived from the statistics collected by Miliukov.[43]

---

[43] P. N. Miliukov, Gosudarstvennoe khoziaistvo Rossii v pervoi chetverti XVIII stoletiia i reforma Petra Velikago [The State Economy of Russia in the First Quarter of the XVIII Century and the Reform of Peter the Great] (St. Petersburg, 1905), pp. 614-678.

Year after year, the Monastery Department, which administered the property of the Church, allotted an important part of its budget to education. In 1702, the expenses incurred by the Church for reasons of education were the largest single item in the budget. One might suppose that the Monastery Department drew from the income of the Church only what was needed for the training of future clergymen. The statistics collected by Miliukov tell a different story. For the year 1706, the Monastery Department earmarked 59,182 rubles for "Church needs". Of that sum, 15,831 rubles went to education, which meant more than 25% of the entire Church budget. It was spent in the following way:

(1) Students in embassies abroad	1,840 rubles
(2) Students and teachers of the Slavo-Greek-Latin Academy and other ecclesiastical schools	2,063
(3) Students in ciphering schools	590
(4) Students in navigation schools	2,451
(5) Students in foreign schools	3,000
(6) Clothes and books for students	1,203
(7) Bonus to the new librarian of the State Printing office	1,000
(8) To Peter Posnikov, to study liberal arts abroad	450
(9) To Aleksei Kurbatov's son, studying abroad	375

(10)	To defray the expenses of compiling an encyclopedia of architecture and mathematics..........	300
(11)	To the tutor of the Tsarevich....	246
(12)	To Dmitrii the Turk and Ivan the Kalmyk, studying in Amsterdam....	1,700
(13)	For ink..........................	48
(14)	To buy clothes for two students serving as junior officers on a foreign ship...................	40
(15)	To build a house for the master engraver.......................	500

To give these figures their full meaning, it must be realized that in 1725, after Peter had debased his coinage a number of times, the ruble was still worth 4.5 American "pre-World War I" dollars.[44] These figures and their accompanying "tags" allow one to conclude that whatever education there was in Russia, or for subjects of the Tsar, was paid for by the Church. The Church in Peter's Russia disposed of considerable sums; so Peter had the Church pay for its own schools, the government's schools and for the education of Russians abroad. This was in keeping with one of Pufendorf's "precepts", which had required that the burdens of the State be distributed equally.[45]

---

[44] Gorchakov, *Monastyrskii Prikaz...* p. 146. Also, Kafengauz, *op. cit.*, pp. 385-387; *Bol'shaia Sovetskaia Entsiklopediia* [Large Soviet Encyclopedia], 2d ed.: XXXVII, 287.

The writer is speaking of a proportional equality, of course. Since the property and revenue of the Church were not taxed for the general expenses of the State at the rate applied to the non-Church property and income of the realm, a special part of the state's expenses was assigned exclusively to the Church: education.

Peter's Russia was not so cut off from the rest of the world that the proverb, "He who pays the piper calls the tune", did not find its application there. Since the Monastery Department used the Church's revenue to defray the expenses of Russian education, according to the proverb, it should have been allowed to decide how the money was spent. In fact, Peter put all the schools which existed in Russia under the supervision of the Department.[46] In 1721, when the Holy Synod inherited the responsibilities of the defunct Monastery Department, it also inherited the right to appoint a "prefect of schools" to discharge this supervisory duty.[47]

---

[45] S. Pufendorf, _De_ _officio_ (1927), II, 123.

[46] _Polnoe_ _sobranie_ _zakonov_... IV, 706-707, No. 2389.

[47] _Ibid_., VI, 697-699, No. 4021.

When Peter the Great began to tamper with the Church as an educational institution, he found that the Church had censorship rights over the books published in Russia, because the members of the press were considered ecclesiastical persons.[48] In 1702, Peter decided by ukase that henceforth all official documents were to be printed on the Church's presses.[49] This gave the Monastery Department a right of censorship over official acts, since the Department was responsible for the doings of all ecclesiastical persons. In due time, Peter remedied this "oversight" and by October 5, 1720, the Church could censor only books whose contents were dogmatic or liturgical.[50] This fell considerably short of Pufendorf's sixth suggestion, which required that the censorship of books be done by the civil magistrate, unless one supposes that Peter's control of the Russian Church was so complete by 1720, that the Tsar was just using the Church as an instrument for the implementation of his own will.

Thus, on the eve of the Spiritual Regulation, Peter's reform of the Church as an educational institution (in the formal, scholastic sense), had consisted in: (1) having the Church schools take in non-clerical students, to prepare them for careers in the government or the armed forces;

---

[48] Supra, p. 237.

[49] Polnoe sobranie zakonov... IV, 201, No. 1921.

[50] Ibid., VI, 244-245, No. 3563.

(2) having the whole of his educational program defrayed by the revenue of the Church; and (3) using the Church's personnel as supervisors and censors.

The Spiritual Regulation contained dozens of articles which affected the Church as an educational institution. The abiding financial responsibility for Russian education was laid on the Church's doorstep by articles 11, 12 and 13 of the section dealing with the duties of bishops.[51] Then in the separate section devoted to "schools, students and teachers", the Regulation gave a long, historical introduction to the whole subject of education. There were many echoes of the teaching of Pufendorf in this introduction; therefore, it is reproduced here despite its length. Speaking through the mouth of Prokopovich, Peter said:

> It is manifest to the whole world that whatever was the degeneracy and feebleness of the Russian soldiery, whilst it was under no regular discipline, it is now improved exceedingly, and become beyond expectation, great and formidable from the time Our Most Potent Monarch, His Imperial Majesty, Peter the First, instructed it in the principles and art of war, by his excellent rules and regulations. The same observation also holds good with regard to architecture, medicine, political institutions and all other arts and sciences. And the same is observable in the government of the Church. Whilst the light of instruction is wanting in it, it is not possible that it should be without disorder and ridiculous superstitions, yes, even without schismatical and extravagantly wild heresies.

---

[51] Verkhovskoi, Uchrezhdenie... II, Part I, 41-42. As it has been done in previous chapters, the references to the critical text of the Spiritual Regulation are indicated by page numbers in the narrative itself.

Many people talk foolishly, that learning is the cause of heresies. For besides the ancient heretics, Valentinians, Manichees, Cerinthians, Eutychians, Donatists, etc., who like demoniacs ran furiously mad out of presumption and folly, and not because of their learning; whose stupidity Irenaeus, Epiphanus, St. Augustine, Theodoret and others have sufficiently exposed; our Russian Raskolniki become undoubtedly so hardily diabolical through their ignorance and simplicity. And though out of learned men have been compounded arch-heretics such as Arius and Nestorius and some others, yet their heresies had their birth not from their learning, but their shallow understanding in the Holy Scriptures, and grew and got strength from their wickedness and pride, which would not permit them to change their sottish sentiments, even in spite of conscience, after they were come to the knowledge of the truth. And although by their learning they are enabled to form sophisms, i.e. crafty arguments to conceal their opinions, nevertheless, he that foolishly ascribes this mischief to learning will be constrained to confess that when a physician administers poison to his patient, the knowledge of physic was the cause of it; or when a soldier taught and disciplined does secretly or openly commit violence, that martial discipline is culpable for that violence; and if we look through history, as through a perspective on the past ages, we shall see the state of things much worse in the dark times of ignorance than in those that were illuminated by learning.

Bishops were not so haughty up to the fourth century as afterwards, when they grew insufferably arrogant, particularly the bishops of Constantinople and Rome; to wit, in the first centuries, learning flourished while in the latter it declined. But had learning been prejudicial to the Church or State, good Christians would neither have taught it nor permitted the teaching of it to others; whereas, we see that all our primitive doctors not only taught the Holy Scriptures, but the philosophy of the Gentiles; and besides many others, those most glorious pillars of the Church wrote in defense of Gentile learning, as namely, Basil the Great in his Catechistic Discourses; St. Chrysostom in his books on the monastic life; Gregory the Divine in his Discourses against Julian the Apostate. And much more might be said on this subject, were we only designed to prosecute this one topic.

For learning is good and fundamental, and as it were the root, the seed and first principle of all that is good and useful in the Church and State, but care must be taken strictly, that it be good and fundamental learning. For there is a sort of learning which is undeserving of the name, and yet is mistaken for true learning by men in other matters knowing enough, but ignorant in this particular. It is usual with many to put these questions: Of what school was such a one? And if he is said to have been in that of rhetoric, in the philosophy or theology school, for the bare name's sake, they make him a great man, wherein they err very much; for all are not good scholars that have had good enough masters; some through want of capacity others through their own laziness, much more when the master is not very well skilled, or even not at all, in his business.

But it is remarkable, that from the fifth century to the fourteenth, i.e. for a space of 900 years, throughout Europe, all kinds of learning were at a very low ebb and almost lost. So as in the very best authors of those times, though we may discover a great smartness of wit, yet they do not affect us with a strong light.

After the fourteenth century, inquisitive and more learned men showed themselves, and by degrees many universities flourished, greater in privileges and power than in any age from the time of Augustus Caesar. However, many schools remained yet in their dregs, insomuch that therein, rhetoric and philosophy and the other sciences were mere names, but did not exist in fact. The reasons hereof are many, which for brevity's sake are not here recited.

Men indeed that have only a taste for such imaginary, and as we may call it drowsy learning as this, are of all the unlearned the greatest idiots; for whilst they are wholly involved in darkness, and grossly ignorant, they fancy themselves complete, and possessed with a conceit of knowing all that is possible to be known, are not to be persuaded to have a value for books or improvement in them. Whereas, on the contrary, a man enlightened with true learning is never satiated with knowledge nor ever desists from the pursuit of it, should he even live beyong the age of Methusalem.

This is beyond doubt evident, that the above said, ill-grounded scholastics are not only a useless herd, but mischievous to the communities both in Church and State, they are abjectly submissive to powers, but with a crafty design to ingratiate themselves with them and to gain promotion, they despise their equals; and if a person is eminent for learning, they use their utmost diligence to disparage and defame him in the ears of the prince and people: being prone to faction, they conceive great hopes. When they act the divines, 'tis odds by they fall into heresies, betrayed easily into them by their ignorance; and so resolute to hold an opinion espoused, that they persuade themselves there is nothing but what they have a perfect knowledge of; but 'tis a constant maxim with men of wisdom, that it is the property of a wise man to change an opinion.

> Thus, it is judged reasonable to premise, that in case it is His Majesty's pleasure to found an Academy, it is decreed that the Spiritual College appoint the masters at first, and direct them in what parts of learning they are to teach, lest the royal bounty should prove useless and a ridiculous disappointment follow instead of real benefit.[52]

Many things could be said about this historical introduction, but only the most important will be underscored. First, in dating the revival of learning from the fifteenth century, the Spiritual Regulation cannot be referring to Russian facts. There were no universities in fifteenth century Russia in which learning could revive. On the other hand, Pufendorf, in a text already cited, dated the revival of learning from the fifteenth century, since he held that revival responsible for the Reformation, which took place at the beginning of the sixteenth.[53] The criticism of false learning, "imaginary and drowsy", as well as the shafts directed against the "very best authors" of the period before the fourteenth century, bears a striking resemblance to Pufendorf's diatribe against the Catholic medieval universities.[54] Finally, the last paragraph is a partial implementation of Pufendorf's second and third suggestions concerning education: that the civil magistrate must designate the men who are to teach publicly and determine the content of their teaching.

---

[52] *Ibid.*, II, Part I, 51-53. Translation in T. Consett, *The Present State and Regulations of the Church of Russia* (London, 1729), pp. 60-66.

[53] Pufendorf, *Einleitung*... (Sayer), II, 110-111.

[54] *Ibid.*, II, 110.

Once the introduction had set Peter's subjects straight on the topic of education, the Spiritual Regulation went on to say that the ecclesiastical schools must teach Latin or Greek, or preferably both languages in their first year of instruction (p. 53). The second and third years must pursue the work begun in the first, with the accent going more and more towards Latin, which was to be translated into Russian and vice versa (p. 54). As to the teaching of theology, the Regulation advised great care in the use of recent writers: it would be better, it was said, to rely on the Holy Scriptures and the Fathers of the Church (p. 55). Grammar, history and geography could be taught from the beginning, by choosing texts whose contents were philological, historical or geographic, as material for translation (p. 56). In short the program of the ecclesiastical schools was to comprise:

(1) Grammar, History and Geography;
(2) Arithmetic and Geometry;
(3) Logic or the dialectical science, "which are one science under two names";
(4) Rhetoric, together with or apart from Poetry;
(5) Physics or Natural Philosophy, with a short course in Metaphysics;
(6) Pufendorf's "Abbreviated Politics" alone, or in relation to Logic "if that seems more useful";

(7) Theology.

The first six sciences or groups of disciplines would each take up one year of the program, but theology, two years (p. 57). Pufendorf's "Abbreviated Politics" was, of course, the *De officio* which has been cited so often in this study.

By specifying in detail the program of the Church schools, Peter the Great was fulfilling the third suggestion of Pufendorf: that the civil magistrate specify the content of public education in view of the purpose and need of the State.

After that, the Regulation turned to other aspects of education. Three articles prescribed the rules to be followed by the inspectors who would be responsible for the execution of the details of the Regulation (p. 57). It was also said that all the sons of priests and deacons must attend school, as well as the sons of the "better sort of citizens and magistrates" (p. 58), but no student could be expelled without the knowledge of the Spiritual College (p. 58). Graduates of the Church schools were to be given preference in "spiritual dignities and civil honors" (p. 58).

Still another section said that since the students would receive free board, room and tuition, they were to sign an agreement to stay in school until they graduated and "after they are perfected in school learning, they will be capable of being recommended to His Imperial Majesty, and according to His Majesty's order, of being put into different employ" (pp. 58-59).

Thus, Peter went Pufendorf one better. He not only prescribed the content of the school programs and appointed the teachers, but determined who should attend the schools, who should pay for the education and what was to be done with it once it was acquired.

The next section of the Spiritual Regulation had a little preamble, where it was said: "But above all, what is chiefly wanting and necessary, let there be in the academy, or at first, even without an academy, let there be a seminary erected" (p. 59). There followed twenty-six articles on seminaries. Thirteen of them specified what the seminaries had in common with all other Petrine schools. These have not been repeated.

After the little preamble, the Regulation continued:

> Let there be a seminary erected for the teaching and victualing of children, such as are settled abroad in great numbers, whereof We here prefix a pattern:
> (1) Let there be a house built in the fashion of a monastery, of a sufficient bulk, wherein chambers and all kinds of provisions for victualing and clothing and other necessaries are prepared in proportion to the number of children, as His Imperial Majesty shall please to appoint, be they 50 or 70 or more, with necessary governors and servants.
> (5) In this house are to be three learned men at least, monks or seculars, one of which shall be governor or rector of the whole house, and two of them examiners, to enquire in what manner everyone learns, whether he is lazy or diligent.

(8) The rector is chief, and has power over the masters to punish them as he shall find occasion: but if they disobey his authority, he cannot expel them out of the seminary without an order from the Spiritual College.
(9) The seminarists to have set times for every business: when to go to bed, when to rise, to pray, to study, to dine, to walk, etc., and all those hours to be signified by the ringing of a bell and that all seminarists (like soldiers at the beat of a drum) at the sound of the bell repair to the business which is appointed for the said hour.
(13) This way of life may seem to boys a little severe, and like an imprisonment, but after they are accustomed to live in this manner for one year, it will be exceeding pleasant.
(14) To admit into the seminary only boys from ten to fifteen years of age, and such as are older, at the request of some honest men and on their testimony, that they have passed their childhood in dutiful subjection to their parents and with good decorum.
(17) At table, either martial or ecclesiastical history shall be read: and in the beginning of every month, for two or three days shall also be read the histories of men eminent for learning, of the principal doctors of the Church, and of the ancient and modern philosophers, astronomers, orators, historians, etc.; for the hearing of such stories is not only entertaining and delightful, but stimulates and excites youth to an imitation of those excellent models.
(18) Moreover, twice a year, or oftener, that they have pleadings, disputations, comedies, rhetorical exercises. This will contribute much to that firmness and resolution, namely, that becoming audacity and assurance which a preacher of God's word, or an ambassador ought to have.
(21) There ought to be within the seminary a church, a dispensary and a physician; but the schools in the academy near adjoining, whither the seminarists shall repair for learning, and if there are both schools and masters in the seminary, this will be both an academy and a seminary in one. And for other students that are not willing to lodge in the seminary, some outer dwellings may be built and let out for rent to the students.
(23) The seminarists are to consist only of poor boys and they are to be fed and clothed and to be provided with all the necessaries at His Imperial Majesty's expense and by His grace and bounty. The children of rich parents are to live at their own expense, but yet to be accommodated with victuals and clothing at one, constant, settled price.

> (24) After the seminarist is arrived at maturity of understanding, and has gone through the course of his studies, he shall make oath in the church of the seminary, in the presence of the rest of his brethren to this effect: that he will be true and faithful to His Imperial Majesty, and to His successors, and ready to engage in any service which he shall be commanded to by His Majesty's order.
>
> (25) The rector must not discharge out of the seminary such seminarists as have finished their learning till he has first acquainted the Spiritual College, for them to present them to His Imperial Majesty. After he has done this, he gives them their dismissal and a testimonial of their qualifications.
>
> (26) Seminarists, who after they have perfected their education, seem best qualified for the sacred functions, shall be preferred by bishops to all the degrees of advancement, before others that have not been educated in a seminary.
>
> Thus far of seminaries. And perhaps, hereafter, some better rules may be thought of, or sought for among the best seminaries abroad.[55]

Thus, Peter extended his control of education to seminaries. From the twenty-fourth article, it was evident that Peter's seminaries were not exclusively schools for future clergymen. The same truth could be deduced from the reference to ambassadors in article eighteen. Nevertheless, the Church defrayed the expenses of this type of education, too; the grandiose phrases about the Tsar's "grace and bounty" in article twenty-three notwithstanding. The writer arrives at that conclusion from the documents in the archives of the Holy Synod. On March 15, 1721, for example, the building of the first seminary was started with a donation of 2,000 rubles from His Majesty. The Church furnished the rest of the funds.[56] The schools prescribed for the education of the sons of the clergy began to send in their reports to the Holy Synod in 1721. That future military and civilian officials were also being trained in these schools at the expense of the Church is evident: a copy of each report was sent to the Admiralty and in it mention was made of the military training being given to the students.[57] Late in 1721, the Holy Synod sent an instruction to the Slavo-Greek-Latin Academy of Moscow, in which the school was told to follow the pattern set by the Academy of Kiev since 1701, i.e. to accept students who were destined for the Tsar's service, no matter what their country of origin may have been, as long as they had sworn fealty to him.[58] This must have been quite a shock to any Russian who remembered that this academy had been founded to safeguard the orthodoxy of belief in Russia and to act as a watchdog with regard to the "blasphemous, heretical foreigners",[59] but it did underscore Peter's conception of the Church as an educational institution "for the need of the State".

---

[55] Verkhovskoi, Uchrezhdenie... II, Part I, 59-63. Consett, *op. cit.*, pp. 78-86.

---

[56] *Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda* [Description of the Documents and Records Preserved in the Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917), I, 152-154.

[57] *Ibid.*, I, 337, 422-423, 714-717.

[58] *Ibid.*, I, 676-677.

[59] *Supra*, pp. 232-233.

The role of the Church in every form of education was recorded in the reports which began to pour into the Holy Synod in November 1721. The schools attached to parochial churches and monasteries told how they were teaching the alphabet, the Book of the Hours, the Psalter and the Commandments of God. The academies of Moscow and Kiev gave the results of their instruction in grammar, poetry, rhetoric, philosophy and theology. The Synodal archives contain, along with these reports, a statement from the bishop of Nizhnii Novgorod, on the Middle Volga, to the effect that between 1722 and 1724, there were 295 persons who attended the schools of his diocese; of these, 132 entered the ranks of the clergy; the others went into other kinds of employment.[60] In 1722, the scope of the Church's educational effort to meet the needs of the State was greatly expanded. The Seminary of Petersburg, which had been started the preceding year, was joined by two others, attached to the academies of Moscow and Kiev.[61] More important yet, the schools which had hitherto operated as combined "ciphering schools" and primary schools for the sons of the parochial clergy, were definitely separated. On March 15, 1722, the clergy's children were released from the ciphering schools to attend the newly opened, exclusively parochial schools. The bishops, who had carried out the Tsar's wish for such separate schools, would nevertheless continue to meet the expenses of both types of schools.[62]

---

[60] Opisanie dokumentov i del... I, 714-717.

[61] Ibid., II, 477-479.

Details of the way in which the prescriptions of the Spiritual Regulation were implemented could be quoted for dozens of pages without altering the picture furnished by the archives of the Holy Synod for the years 1721-1722. Just as before the promulgation of the Regulation, it was true to say: (1) that the Church defrayed the costs of Peter's educational efforts, (2) that the Church schools were expected to train not only future clergymen but to impart knowledge in the broadest sense, and (3) that the Church was the organ through which the Tsar supervised education. At the beginning of Peter's reign, the Church had done approximately the same thing, but it had done so in its own interests. By 1725, the suggestions of Pufendorf concerning education had been implemented to the point where the needs of the State dictated the content of the courses taught in the Church schools. The Holy Synod, which had replaced the Patriarch as the head of the Church, appointed the teachers; it acted in the Tsar's name and according to his wishes. As to the censorship of books, the Church had retained that right only with regard to books whose contents were liturgical or dogmatic in nature. The program of the academies and seminaries, which were the closest Russian approximation to the universities of Western Europe, had been completely overhauled by the Tsar to meet the needs of the State. All of this had been recommended by Pufendorf.[63] The direction and the cumulative effect of the Tsar's laws, decrees and regulations certainly revealed a curious parallel in the thought and actions of the two men.

---

[62] _Ibid_., II, 516-520.

Besides education in this narrow, scholastic sense, the Russian Church exercised an educational function with regard to the mass of the people who came to church to pray and be instructed. It has already been mentioned that with regard to this form of education, the Church at the beginning of Peter's reign had been satisfied easily enough.

The Spiritual Regulation contained a few paragraphs which purported to be a fair sample of what the common people derived from the education offered by the Church to the mass of the population. The writer has no doubt that Peter and Prokopovich deliberately selected extreme examples of credulity and superstition to underscore the need for a reform. On the other hand, he is equally convinced that Peter and Feofan did not invent these stories. If they had done this, the common people would not have recognized their beliefs and the purpose of the reformers would not have been achieved. The excerpt is taken from the duties of the Spiritual College:

> To compare the histories of the Saints; whether some of them are not lying devices, relating what never was or fabulous and ridiculous stories, wholly

---

[63] *Supra*, p. 248.

opposite to the Christian Orthodox doctrine, and to disapprove and discountenance such fables, and to discover the lies that are delivered in them, for such there are, manifestly lying histories and contrary to sound doctrine. For instance: In the life of Euphrosyne of Pskow, the contest about a two-fold singing of Alleluia is apparently a lie, and the invention of some villain, wherein, besides the mischievous notion of the double Alleluia, are found the heresies of Sabellius, Nestorius and others: and though we suppose that author to have transgressed out of mere simplicity, yet it should ill become a Spiritual College to tolerate such conceits, and instead of wholesome spiritual food, present poison to the people, since, especially the simple folk can scarce distinguish their right hand from their left, but firmly and pertinaciously maintain whatever they see written in a book.

Those forgeries ought diligently and particularly to be inquired into, which engage a man in a wicked practice, or set before him an image prejudicial to his salvation; as for example, that tell us not to work on Friday, but to make a holiday of it, that Piatnitsa [Russian for Friday] is angry with those who do not keep her festival, and persecutes them with her greatest threats; also, to fast on twelve stated Fridays, and this for the sake of many corporal and spiritual advantages. In like manner, to regard some services of the Church as more prevalent than those of any other time, namely, the noonday service of the Annunciation, the morning prayers of Easter Sunday and the evening prayers of Whitsunday. These instances are produced, though but a few, and those of the simple sort are prejudiced by them, but strict care must be had not only of a small number, but even of one brother, lest he be scandalized for whom Christ died.

Yet doctrines there are of the same kind with these, which by reason of their ignorance and simplicity, seem credible even to the persons of the first quality; and for that cause, are most mischievous. Such is the tradition of the Pecherskii Monastery [of the Caves] in Kiev, that a man interred therein shall be saved, though he died without repentance. And how widely these and like fables seduce men from the way of salvation, any man with the least knowledge of religion and that uses but an honest conscience will readily confess.

> There are yet to be found some unprofitable and mischievous ceremonies. It is reported that in the Ukraine, in the district of Starodub [Old Oak], on a set holiday, they lead a woman with hair dishevelled, under the name of Piatnitsa, and walk in an ecclesiastical procession with her (if the story is truly told) and at the church, the people reverence her with presents in hope of some benefit. Again, in another place, the priest with the people pray before an oak, and the priest shakes the bough of the oak over the people in blessing them. The truth of this passage ought to be inquired into, and whether the bishops of those places are acquainted with it. Where these or the like practices prevail, the people are led into manifest and gross idolatry.[64]

Besides its inherent historical interest, the text just quoted contains a phrase with Pufendorfian echoes. To characterize the stupidity and obstinacy of the simple people, Prokopovich said they could not tell their right hand from their left, but still believed anything that was in a book. Pufendorf had said: "And most men are in the habit of judging things in accordance with their habit, or as they see that the matter is commonly judged; and since very few can by their own ability distinguish truth and honor..."[65] Pufendorf spoke in the abstract, as became a professor of law; Prokopovich spoke in the concrete as became a preacher; but the thought was the same.

The writer does not attach a great deal of importance to this particular parallel in thought because the idea was widespread in the seventeenth and eighteenth centuries.

---

[64] Verkhovskoi, Uchrezhdenie... II, Part I, 34-36. Translation in Consett, *op. cit.*, pp. 25-28.

[65] *De officio* (1927), II, 111. Also, *supra*, p. 241.

He finds it interesting, though, that on the very point which serves as a standard of enlightenment, popular education, a writer in a backward country (Prokopovich) would echo a writer in the advanced countries of Western Europe (Pufendorf).

The ignorance of the people was attributable in great part to the ignorance of the clergy. Peter aimed at providing Russia with a generation of more learned clergymen. But the better educated young clerics would not be able to influence the people for some time to come, because they would be under the authority of the ignorant, older clergymen who had allowed error and superstition to overgrow the doctrine of the Church. The Tsar was in a hurry, in this as in everything else. To make way for the new, better educated clergy, he forbade the promotion of clerics who had not attended the schools in preference to "educated men".[66] More directly still, Peter tried to turn to his own advantage the fact that the overwhelming majority of his subjects regularly went to church. He ordered his laws to be read in the churches, after the service, on Sundays and holidays,[67] and to get the most out of his "captive audience", he began to have long, educational preambles tacked on to the laws. Some of these preambles have already been quoted in this study.[68] By this means, Peter the Great not only read his doctrinal opinions into the laws of the Empire, but he also fed them into the minds of his subjects while they were in the most receptive mood: after they had just finished their communal prayer service. In the writer's opinion, this was Peter's own genial adaptation of Pufendorf's second and third suggestions: those requiring the civil magistrate to appoint men to indoctrinate the people and to determine the content of public instruction according to the needs of the State. Peter did even better. He expressed what he wanted the people to believe as laws, then he had the laws read to the people every Sunday.

---

[66] Verkhovskoi, Uchrezhdenie... II, Part I, 58.

[67] Voskresenskii, op. cit., I, 79.

Peter went very far in adapting the Church's popular education to the needs of the State. His reforms, inspired as they were by the Western notion of the common good, required a definite secularization of the daily life of the Russian people. This he tried to bring about by means of the sermons of the clergy--no mean feat! The writer has cast the procedure developed by Peter into a three-step operation: (1) have the parish priests preach that salvation could be obtained only by discharging one's obligations and not by praying all day; (2) then have the priests preach that obedience to the Tsar's will was the first obligation of all his subjects and that this obedience was more meritorious than any other; finally, (3) compose little books of sermons in which the Tsar's will would be itemized and have the parochial clergy derive the subject matter of their sermons from these books.

---

[68] For example, supra, pp. 103-104; 261-264.

The first step of the little operation just described was accomplished by the Tsar's composing a preface for a book of popular spirituality which he made mandatory reading for the parochial clergy. The book in question was a little pamphlet written by Feofan Prokopovich and entitled "On the Beatitudes".[69] Peter himself, had outlined the contents of the book, then he had added the following introduction:

> There are not many ways to salvation. The one sure way is to accomplish the task assigned to you by your state in life. Deserting this duty of state to become a monk, so as to be able to hear one, two or three services every day, or to sing in two or three voices during the service, or to make many genuflections and follow many prayer prescriptions is not pleasing to God; it is doing the superfluous at the expense of the essential.

This introduction, being an expression of the will of the Tsar himself, has been kept among the legislative acts of his reign.[70] (It may be pointed out in passing that Peter was not missing a chance to implement Pufendorf's suggestion on the necessity to curtail the growth of monasticism, which was the backbone of the independent Church power).[71] Concerning the same book on the beatitudes, the Tsar issued an ukase ordering the Holy Synod to compose a summary of it "to make it easier to commit to memory, as it is a precious guide to everyday life".[72]

---

[69] P. P. Pekarskii, *Nauka i literatura v Rossii pri Petre Velikom* [Science and Literature in Russia at the Time of Peter the Great] (St. Petersburg, 1862), I, 496; II, 500-503. The exact title of the book was *Khristovoi o blazhenstvakh propovedi tolkovanie* [Explanation of Christ's Sermon on the Beatitudes] (St. Petersburg, 1722).

[70] Voskresenskii, *op. cit.*, I, 119.

The second step of the operation has been preserved in a contemporary English translation.[73] The whole thing is written in the form of questions and answers which were to be memorized. One question asked:

> What is required of us in the fifth commandment? Answer: It is required of us to honor and respect, not only our natural parents, but those that are in dignity and place of parents, and have any degree of authority over us.[74]

Another question pursued the same subject by asking:

> Who are those that can justly demand respect from us, and what honor and reverence is due to them respectively? Answer: In the first place, kings and magistrates, who rule over us in the Lord, are to us in the place of fathers, whose duty is to defend their subjects, and seek what is best for them, both in temporals and spirituals, and therefore must have a watchful eye to all ecclesiastical, military and civil affairs, that men do conscientiously execute their respective employments; that is, next to God, the highest fatherly dignity.

---

[71] Pufendorf, Einleitung... (Sayer), II, 84-85.

[72] Voskresenskii, op. cit., I, 110.

[73] M. Philipps, The Russian Catechism (London, 1723). This is a translation of Feofan Prokopovich's book Bukvar', ili pervoe uchenie otrokom s katikhizisom [Primer or First Instruction for a Child with Catechism] (St. Petersburg, 1720). The Philipps translation is used in the following excerpts.

[74] Philipps, op. cit., p. 10.

> Next to kings and sovereign princes, spiritual governors, senators, judges, generals of armies and other magistrates, are vested likewise with the fatherly dignity. The duty of ecclesiastical governors is to lead the people in the way of salvation. The civil magistrate should distribute justice without respect to persons. The general must promote military discipline, and inspire the soldiers with Christian courage. Inferiors must love and respect their superiors, pray for them and cheerfully obey all their just commands.
>
> The third order of men vested with the fatherly dignity and authority are our natural parents, viz., fathers and mothers; for though, according to nature, they claim the first place, yet, in civil society, the persons above mentioned as promoters of the public good, deserve greater honor than they.[75]

Even objections were foreseen and received solutions in this little book. One such read:

> I am at a loss how to behave myself when one to whom I owe filial obedience commands, and another, who likewise stands in the same degree of paternal authority, forbids me the same thing.
> _Answer_: When neither of these has authority over the other, then you must have a regard to what is commanded, and not to the person who commands. For if your master, to whom you owe fidelity and service, commands you any lawful thing, and your father forbids it, obey your master and not your father. But if one is superior in dignity to the other, obey that superior person; for if your father or your master command anything that is against the order of the magistrate, obey the civil power and not your father or master. But if the magistrate bids you do anything that the Tsar forbids, by all means obey the Tsar.[76]

That is how Peter the Great used the Church as an educational institution to perform the brainwashing required by the first suggestion of Pufendorf: that education lead the subjects to believe that their ruler was the best possible. The

---

[75] _Ibid_., pp. 10-11.

[76] _Ibid_., p. 14.

Pufendorfian inspiration of these texts is palpable. His words had been:

> To the rulers of a state a citizen owes respect, loyalty and obedience. This implies that one acquiesce in the present regime, and have no thoughts of revolution; that one refrain from attaching himself to any other, or admiring and respecting him; that one have a good and honorable opinion of the rulers and their acts and express himself accordingly.[77]

The question then arises, "How did Peter render the clergy so pliable to his will"? The answer is the third step of the operation outlined above.[78] That the third step should result in the implementation of Pufendorf's fifth suggestion was no accident, in the writer's opinion. That fifth suggestion had required that the clergy avoid in their sermons untrue dogmas, doctrines which tended to disturb civil society and everything false and pernicious, especially false miracles and bogus saints. The latter part of this suggestion had been fulfilled by the Spiritual Regulation in the text which has been quoted above.[79] The implementation of the first part was the third step of the little operation under discussion.

The clergy accepted the role assigned to them by the pamphlets of Feofan Prokopovich because they knew of no other topics on which to preach. Moreover, they were obliged by the Spiritual Regulation to do the Tsar's bidding. In a section of the Regulation entitled, "Preachers of God's Word",[80] the following rules had been set down:

---

[77] De officio (1927), II, 144. Also, supra, p.242.

[78] Supra, pp. 277-278.

[79] Verkhovskoi, Uchrezhdenie... II, Part I, 34-36.

> (1) That none presume to preach unless he has been educated in a school, and has a testimonial from the Spiritual College. But if anyone has been educated by men of another religion, let him present himself first to the Spiritual College, to be there examined, what knowledge he has in the Holy Scripture, and to make a sermon on any subject which the College shall give him to discourse upon; and if he is found to be a good scholar, to give him a testimonial and license to preach, if he is disposed to go into Holy Orders. Until there be enough place in the bishop's schools for all clergymen, they must study the little books on the faith and the law of Christ, on the duties of all citizens, and let them not dare speak out until they know these books from memory.
>
> (2) Preachers are strenuously to preach concerning repentance, amendment of life, the dignity and power of the authorities, especially the most high power of the Tsar.
>
> (3) It is not very decent for a preacher, especially a young one to draw attention to the vices of the authorities...

The writer has a strong suspicion that the "little books" were the "Primer" and the book "On the Beatitudes" of Feofan Prokopovich which the Regulation meant when it used the phrases "on the faith" and "on the law of Christ". The "Primer" is a catechism, an orderly presentation of what one is to believe. Christ's sermon on the Beatitudes has often been called "his law" to oppose it to the law of the Old Testament, given on the mountain of Sinai. The third little book "on the duties of all citizens" would be none other than

---

[80] Ibid., II, Part I, 63-64, 83-85.

Pufendorf's De officio, whose full title is "On the Duty of Man and Citizen According to Natural Law". As grounds for his suspicion, the writer submits the following: (1) the "little books" are presented as a means of improving those preachers who had not attended the bishop's schools; (2) in the bishop's schools, the textbook for the sixth year was the De officio;[81] (3) the similarity between the expressions used by Prokopovich in his "little books" and those of Pufendorf is greatest when the De officio is used for one term of the comparison; (4) Prokopovich wrote the Spiritual Regulation in which he had already required that future preachers study the De officio under the title of Pufendorf's "Abbreviated Politics".[82]

Peter must have found that the "little books" were a practical way to implement Pufendorf's fifth suggestion which required the clergy to avoid untrue dogmas, false miracles and bogus saints, until a significant portion of the clergy had been educated in the schools and seminaries described in the Spiritual Regulation. He had Slavonic translations made of the catechisms of the Catholic, Lutheran and Calvinist churches.[83] An abbreviated version of the marriage ceremony was also published,[84] and a summary of the books used in the liturgy.[85]

---

[81] Ibid., II, Part I, 57. Also, supra, pp. 265-266.

[82] Ibid.

[83] Voskresenskii, op. cit., I, 122.

Still another "little book" seems to have had as its purpose to prevent a repetition of the problem which had resulted in the Raskol, i.e. the clergy's inability to distinguish between the eternal, unchanging aspect of religion and the variables due to time and circumstance. Peter stated his purpose clearly enough in the introduction of this book, where one could read: "One must be able to tell the difference between: (1) the unalterable law of God, (2) the counsels of the Gospel, (3) the traditions of the ancient fathers, (4) what are necessary means of salvation, (5) what is purely ritual and liturgical, and (6) what is always required and what is required at certain times and liable to change with circumstances.[86]

Peter even issued an ukase concerning this particular "little book". In it, he said to the Synod:

> Two versions of this book might be advantageous: one very simple for village dwellers and a second, more flowery for the urban people. But in both, one thing must be clear: that the straight path to salvation is that of faith, hope and charity. Of the first, they know very little and the same is true of the last; and what they know is often inexact. Of

---

[84] Polnoe sobranie postanovlenii i razporiazhenii po vedomstvu pravoslavnago ispovedaniia Rossiiskoi Imperii [Complete Collection of the Resolutions and Decrees of the Department of Orthodox Confession of the Russian Empire] (St. Petersburg, 1872-1917), IV, 1246.

[85] Voskresenskii, op. cit., I, 125.

[86] Ibid., I, 143.

> the second, they have never heard, placing all their hope in Church singing, fasts, genuflections and other such things as: the building of churches (even when they are not needed), the burning of candles and incense. As for the Passion of Christ, they know it only in relation to original sin. They must be told that their salvation (here and now) is the result of their own work and actions. This book must also explain what happens in the church, why and in whose honor the church has been founded.[87]

Thus did Peter the Great try to raise the quality of the pulpit instructions in his realm.

The use of the Church as a medium of popular education in the interest of the tsar was not a discovery which Peter made at the time of the promulgation of the Spiritual Regulation, in 1721. A series of letters dating from 1708-1709 bear witness to the fact that Peter was a past master in the use of the prestige and educational role of the Church's pulpits for his own ends. At that time, the Tsar was trying to prevent the groups of Ukrainian Cossacks from leaving his alliance to join forces with his perennial enemy, Charles XII of Sweden. To forestall the imminent defection of the Cossacks, Peter had ordered the bishops to appeal to the common Orthodox faith which united the Russians and Ukrainians and to oppose that religious bond to the "Lutheran heresy practiced by the Swedes".[88] In another letter, written after the junction of the Cossack forces with the Swedish army, he insisted that the bishops and priests present the new alliance as an invitation on the part of the Ukrainian people to have their churches desecrated by their allies, as had happened at Minsk, Borisov and Mogilev, cities already occupied by the Swedes.[89] Peter even went so far as to have the caretaker of the patriarchal see, Stepan Iavorskii, send an open letter to the people of Russia and the Ukraine, describing the desecration of the Orthodox churches by the "heretics who use our churches as stables for their horses".[90] With that kind of experience behind him, it was not surprising that in the period 1721-1725 Peter showed a sureness of touch in his propaganda which may amaze those who are not familiar with his genius for adapting existing institutions to purposes not foreseen by their originators.

---

[87] *Ibid.*, I, 144.

Another measure of the control which Peter the Great gained over the activities of the Church in the field of education was furnished by the dissident Raskol'niki. It was noted earlier in this chapter that the Church condoned the use of compulsion and violence to regain its lost unity.[91] Peter gradually convinced the Church that there was an alternative way of dealing with the dissidents. The documents reveal that the Tsar was not totally successful in his venture, but even a partial success in such a delicate area was a tribute to the Tsar's tenacity. The Manifesto of 1702 had excluded the dissidents from the religious tolerance proclaimed at that time.[92] Slowly and almost imperceptibly Peter put over his system of dealing with the *Raskol'niki*, which consisted of making them pay a price for their refusal to conform.[93] The price was high, but it guaranteed the dissenters from official vexations. If an ordinary Orthodox believer paid one ruble as poll tax, the dissenter was assessed two rubles. If an Orthodox landlord was taxed six horses a year for the armed forces, his *Raskol'nik* counterpart had to contribute a dozen. (It may be mentioned, in passing, that the idea of buying one's privilege to be different was probably borrowed from the Tatars, who had allowed the practice of the Christian faith by their Russian subjects, when these had been willing to pay a double tax.)[94] Peter coupled these economic measures of coercion with an evangelical effort. He applied pressure on the Holy Synod to have the members of the hierarchy of the established Church discuss their doctrinal differences with the Raskol'niki elders.[95] Peter also backed the initiative of Pitirim, bishop of Nizhnii Novgorod, and himself, a converted dissident, to instruct the Raskol'niki. The Tsar ordered the Synod to send Pitirim the books he requested.[96] Peter allocated 11,655 rubles to help the missionary bishop's work among his former co-religionists.[97]

---

[88] Pis'ma i bumagi... VIII, 247-250.

[89] Ibid., VIII, 276-284.

[90] Ibid., VIII, 261.

---

[91] *Supra*, p. 236.

[92] *Polnoe sobranie zakonov*... IV, 192-195, No. 1910.

[93] *Ibid*., V, 196, No. 2991.

[94] A. N. Muravëv, *A History of the Church of Russia*, trans. P. Blackmore. (Oxford, 1842), p. 382.

Nothing in the suggestions of Pufendorf called for this. The German jurist had prescribed a purely defensive attitude before the non-established religions.[98] On the other hand, he had recommended that

> those who are publicly appointed to perform the rites of religion do so with dignity and attention...show themselves to the people a conspicuous example of their own teaching, and not rob their office of dignity, their teaching of weight, by moral depravity.[99]

It was certainly no edifying sight for the people of Peter's Russia to see their clergy constantly invoking the help of the Tsar's executioners as a means of enlightening the dissidents. There may have been this kind of indirect guidance by Pufendorf in this phase of Peter's Church reforms, but the writer is more inclined to the opinion that Peter acted on his own and came up with a solution that was both humane and practical.

---

[95] Opisanie dokumentov i del... II, 194-195.

[96] Ibid., II, 180-182.

[97] Ibid., II, 667.

[98] Pufendorf, Einleitung... (Sayer), II, 118.

[99] Pufendorf, De officio (1927), II, 145.

Still another group of Peter's educational measures affected the Church in its evangelical activity. As is well known, the Russian Orthodox Church was interested primarily in maintaining the faith of those who had been born in that religion. Peter's speech to the dying Patriarch had revealed the Tsar's more dynamic conception of the work of the Church. He envisaged the possibility of spreading Orthodoxy to the heathen peoples who inhabited Russia.[100] The Tsar proposed to use a combination of persuasion and compulsion, the still popular "carrot and stick" technique, in his missionary effort. The writer gathers this from the following facts. In 1705, Peter exempted from taxation certain buildings and objects used in the cult of the Tatars in the neighborhood of Tobolsk, in Western Siberia.[101] In 1716, an ukase ordered the governor of Azov to pay the expenses incurred for the instruction and baptism in the Orthodox Church of twenty-one Kalmyks, with their wives and children.[102] Peter also offered grants of land, money and tax rebates to entice the heathen into the official Church.[103] A regular item on the budget of the Church in the years 1702-1704 had been a bonus to the Tatars upon their conversion.[104] These measures were the carrots.

---

[100] Voskresenskii, *op. cit.*, I, 33-34.

[101] *Polnoe sobranie zakonov*... IV, 286, No. 2025.

[102] *Ibid.*, V, 201-202, No. 3001.

The stick took a number of forms. One of them was particularly interesting, because it implemented Pufendorf's eighth suggestion concerning the special watch to be kept on the Jesuits.[105] In 1718, Peter had the Jesuits expelled from Moscow, with confiscation of their papers (which were subsequently returned), for proselytizing among the Orthodox believers.[106] Another kind of stick was an ukase which ordered the destruction of the idols and temples of the heathens, as far east as the Yenisei River, in Central Siberia, "as a first step in their conversion to Orthodoxy".[107] Before the total lack of statistics concerning the conversion of heathens to the Russian Church, there is no way for the writer to pass judgment on the success of Peter's effort to have the Church adopt a more dynamic conception of its place in the life of the country.

---

[103] _Polnoe sobranie postanovlenii_... IV, 1382.

[104] Miliukov, _op. cit._, pp. 614-678.

[105] Pufendorf, _Einleitung_... (Sayer), II, 110-111.

[106] _Polnoe sobranie zakonov_... VI, 694, No. 3356.

[107] _Ibid._, V, 135, No. 2863.

Peter's intervention was responsible for still another extension in the educational work of the Russian Church. The Tsar may have been piqued by the thought that Roman Catholic missionaries were proselytizing in regions which he considered as reserved for the Russian Church. At any rate, it is a fact that in 1701 the Jesuits were already at work among the Buddhist Kalmyks in the Caspian Sea region.[108] Peter countered that thrust by throwing the weight of his College of Foreign Affairs on the side of the Russian Orthodox missionaries.[109] He also furnished them with a translator[110] and had a special "instruction" drafted for their guidance by his chancellor.[111]

Thus, by the time Peter died, it could be said that the Russian Church was the enlightening agent of the "proto-enlightened despotism" which he had set up. In bringing this about, the Tsar had fulfilled every one of Pufendorf's suggestions--some of them only partially, but others, even better than the German jurist had seemed to believe possible. The Church was brainwashing the ordinary people into believing that the ruler was always right by reading his laws with their educational preambles when the faithful gathered for Church services on Sundays and holidays. The Tsar, through the intermediary of the Holy Synod, appointed the teachers and determined the content of the school programs. An effort was being made to have the clergy preach by example as well as by word, through the better education given to the young clergymen. The "little books", including perhaps Pufendorf's De officio, were helping even the uneducated, older clergymen to avoid untrue dogmas, doctrines which tended to disturb civil society, superstitions and false hagiography. The Church still retained the right to censor books, but only when they dealt with dogma and liturgy. Token measures had even been taken to control the few Jesuits who were in Russia. Moreover, the text of Peter's laws in the field under discussion and the phrases used in the "little books" often bore a striking resemblance to the words of Pufendorf.

---

[108] *Pis'ma i Doneseniia Iezuitov o Rossii kontsa XVII i nachala XVIII veka* [Jesuit Letters and Reports on Russia at the End of the Seventeenth and Beginning of the Eighteenth Century] (St. Petersburg, 1904), p. 95.

[109] *Opisanie dokumentov i del*... II, 183-184.

[110] *Ibid.*, IV, 187.

[111] *Ibid.*, IV, 192.

* * *

Chapter VI-The Church as a Welfare Institution.

Welfare as one of the functions of government did not exist at the beginning of Peter's reign. There were, however, charitable institutions in which the corporal works of mercy were accomplished. The key role which the State plays today in all aspects of public health and social work was totally foreign to the notions of dual sovereignty. Social legislation, such as the Elizabethan Poor Laws, were thought superfluous in a country with a Church mindful of Christ's teaching concerning the poor, the sick and the abandoned.[1]

Section I- The Church: Providence of the "Lame, Halt and Blind" in 1700.

The Russian Church had been the providence of the unfortunates for many centuries by the time Peter's reign began. Its responsibilities in this field stemmed from the Gospel and from the Statute of Vladimir. The first Christian prince of Kiev had given the Church great privileges, but he had also counted on the Church to help him in his work. By including among the ecclesiastical persons "the physician, the man who by a holy miracle is restored to health, the blind and the lame, especially the monasteries, the hospitals and the establishments for the care of merchants and strangers",[2] Vladimir had given official standing to the Church's effort to live up to the teachings of its founder.

---

[1] Matthew 14. 41-46.

How was the Russian Church discharging this obligation in 1700? When the tenth Patriarch of Moscow, Adrian, died in 1700, it could be said that each parish church made some provisions for the care of the aged, the needy and the infirm. The monasteries and episcopal residences were often the centers of even more extensive charitable work. There seems to have been no rules of standardization for this work. It all depended on the personal initiative of the abbot or bishop or pastor concerned. An article in a nineteenth century periodical, signed "N. A. A." gave the following details concerning the charities of Patriarch Ioakim, predecessor of Adrian. On the Church holidays, he fed 2,500 needy, then gave them each six pieces of money. On ordinary days, the Assumption Cathedral in the Kremlin, where the Patriarch officiated, gave twelve persons thirty-five kopeks apiece.[3] The same article said that the welfare work of the Church had been intensified from June 28, 1678, when an ukase ordered the poor, who cluttered the streets of the Kremlin, to be lodged in the buildings belonging to the parish churches of Moscow.[4]

---

[2] Pamiatniki Russkogo Prava [Memorials of Russian Law] (Moscow, 1952-1956), I, 235-254. This critical edition contains a number of versions and variants of the Statute.

[3] Chteniia v Obshchestve istorii i drevnostei rossiiskikh pri Moskovskom universitete [Lectures of the Society of Russian History and Antiquities in Moscow University], XX (Feb. 1848), 130.

In 1678, the Patriarch began to levy a special tax on the revenue of all the dioceses in Russia, as well as on each parish church to help him meet the expense of his welfare institutions in the capital.[5] This measure was still in force in 1700.[6] From these funds, the Patriarch maintained seven hospitals and refuges for the destitute of Moscow.[7]

The "instruction" which Patriarch Adrian addressed to the Russian Church in 1697, contained a number of articles which might be considered as coming under the head of social work today, although, his motives had not been philanthropic, as he himself, admitted. The following articles may have been the only means of assuring homes to illegitimate children. At any rate, the Patriarch had ordered:

---

[4] The writer has been unable to find this law in any of the collections which have been cited in this study. On the other hand, in a book on the Council of Moscow (1681-1682), G. Borodev mentioned a similar law as dated 1676. The writer was unable to find this one either. *Vide*, G. Borodev, *O Moskovskom Sobore 1681-1682gg.* [*About the Council of Moscow, 1681-1682*] (St. Petersburg, 1885), p. 104.

[5] *Akty, sobrannye v bibliotekakh i arkhivakh Rossiiskoi imperii arkheograficheskoiu ekspeditsieiu imp. Akademii Nauk* [*Acts, Collected from the Libraries and Archives of the* Russian Empire by the Archeographical Expedition of the Imperial Academy of Sciences] (St. Petersburg, 1836-1838), IV, 228.

[6] *Polnoe sobranie zakonov Rossiiskoi Imperii s 1649 g.* [*Complete Collection of the Laws of the Russian Empire from* 1649] (St. Petersburg, 1830-1916), IV, 658-659, No. 2346.

[7] *Entsiklopedicheskii Slovar'* [Encyclopedic Dictionary] (St. *Petersburg, 1890-1904), VII,* 20-25.

> Article 29. When a priest is asked to baptize an illegitimate child, he must inform the Patriarch's chancery and send the guilty parents to monasteries for a month. There, they must be made to attend the liturgy, the morning and evening prayers, and at the end of each day, execute 100 genuflections on the bare earth.
>
> Article 30. If the father of an illegitimate child is not known, the widow or girl who has borne the child must be punished according to the previous article, and an effort must be made to find the father so this evil will not spread unhampered.
>
> Article 31. All efforts must be made to marry the men who live illegally with widows and girls so there will be no more illegitimate children.
>
> Article 32. If a man with a living wife fathers a child by a widow or a girl but does not use force, he is to suffer the aforementioned penalties but there is no case against him for dishonor to the father or dead husband, because it must be presumed that the women committed the adultery of their own free will.[8]

That is about all the direct evidence which the writer could find concerning the welfare activity of the Church at the beginning of Peter's reign. Much more information can be derived, however, from Peter's laws in this field. This legislation often described the situation which had to be changed in order to comply with the new laws. Thus, to measure the extent of the Church's work in the field of welfare, one has to wait until the laws of Peter the Great are studied.

---

[8] *Polnoe sobranie zakonov*... III, 417-418, No. 1612.

Section II- *Pufendorf Was Not Preoccupied with Welfare Problems.*

What did Pufendorf have to say about the welfare role of the Church? After a close scrutiny of the works of Pufendorf which seem to have furnished Peter with guide lines for the reform of the Church as a judicial, economic and educational institution, it must be admitted that, by and large, Peter was not working from a Pufendorfian blueprint. The German jurist had turned to the question of welfare once in the *De officio* and once in the *Einleitung*. In both cases, the reference was at best, oblique. The eleventh duty of a ruler, according to Pufendorf was:

> Rulers are not indeed bound to support their subjects, *except that charity commands a special care of those who, because of some undeserved misfortune, are unable to sustain themselves*. However, since the funds necessary to the maintenance of the state are to be gathered from the property of the citizens, and the strength of a state consists also in the courage and the riches of its citizens, rulers must, therefore, see to it, so far as in them lies, that the property of the citizens increases. It makes for this end if the citizens are encouraged to get the largest possible return from the land and its waters; to apply their industry to the materials produced in their country, and not to purchase from others the labor they can conveniently perform themselves. And this is brought about, if the mechanic arts are fostered. It is of the greatest importance also to cultivate trade, and in maritime countries, navigation. *And not only must indolence be proscribed*, but *the citizens must* also

> be recalled to economy...[9]

The welfare content of the excerpt from the Einleitung was even less precise than the foregoing text. There, Pufendorf said:

> It is the business of civil magistrates to encourage labor and industry, that every individual may not only support himself and family decently, but also be able to spare something towards the expenses necessary for preserving peace and security of the public.[10]

From those two texts it is easy enough to conclude that Pufendorf was not interested in questions of welfare work. As a theoretician intent upon reorganizing states according to the requirements of what he called natural law, Pufendorf tended to overlook the "misfits" who could contribute nothing to the "new order". As a Christian, he could not advise the rulers to rid themselves of these useless citizens, especially when their misfortune was not of their own doing. He did insist, however, that only the genuine victims of fate receive any help. Thus, Pufendorf's teaching on the subject of welfare could be summarized in two points:

---

[9] S. Pufendorf, De officio hominis et civis secundum legem naturalem libri II [On the Duty of Man and Citizen According to Natural Law: Two Books] (Lund, 1673). This work has been reproduced and translated under the title De officio hominis et civis juxta legem naturalem libri duo (New York, 1927), in the series Classics of International Law. Volume One contains the Latin text of the 1682 edition (photostat), and Volume Two a translation by F. G. Moore. The 1927 edition is henceforth cited as De officio (1927). II, 123. Italics added.

[10] S. Pufendorf, An Introduction to the History of the Principal States of Europe, trans. J. Sayer. (London, 1744), II, 101.

(1) only true victims of fate are the subjects of welfare work; and

(2) it is the ruler's duty to provide for these victims.

Section III- The Church: Peter's Ministry of Welfare.

Unlike Pufendorf who could draw up blueprints for governments which would operate according to natural law, without looking too closely at the dreary details of everyday life, Peter had the very real task of directing the multifarious activities of a huge empire. He could not overlook the "misfits". They might have nothing to contribute to the new, reformed Russia, but unless some provision was made for them, they might become such a drag on the new institutions as to prevent their functioning properly. In other words, the problem of reforming the Church as a welfare institution was an area where Peter could not derive much guidance from the writings of Pufendorf.

For clarity's sake Peter's reform measures in the field of welfare work have been divided into four categories: (1) those relating to children, (2) those relating to the sick, (3) those relating to the destitute and the aged, and (4) those relating to old soldiers and the widows of veterans.

Very young children, deprived of the care of their parents by death or by illegitimate birth, have probably the strongest claim upon the compassion of any society. In trying to steer his country towards what he conceived as its common good, Peter the Great took a number of decisions which profoundly altered the character of the Church's welfare activities with regard to orphans and bastards. In the writer's opinion, the Tsar set out to safeguard the life of the infants as a first step towards the common good he envisioned.

There must have been a popular custom in 1700, which consisted in putting to death malformed or unwanted babies. A series of laws issued between 1701 and 1709 indicate the existence of such a custom. The first of these made it the responsibility of the parish priests to send to the Monastery Department weekly lists of the births and deaths which occurred in their parishes.[11] These statistics were a sure means of alerting the ecclesiastical bureaucracy to any unwarranted increase in the number of deaths or undue decrease in the birth rate. Since the overwhelming majority of the citizens of Peter's Russia were members of the Russian Orthodox Church, who attached great significance to the reception of the sacraments of Baptism and Extreme Unction, the parish priest was the person most likely to know of instances of infanticide. Moreover the Statute of Vladimir had given the bishops jurisdiction in such cases, and no trace of an abrogation has been found.[12] The welfare intention attributed to Peter in the law under discussion might be questioned by those who see in it a means of correcting taxation lists or of revising draft schedules. The Soviet authorities on those subjects, however, seem quite certain that taxation lists and draft schedules did not depend on the vital statistics furnished by the parish priests.[13]

---

[11] _Polnoe sobranie zakonov_... IV, 192, No. 1908.

Be that as it may, a law, dated 1704, and addressed to the chief of the Monastery Department, Musin-Pushkin, helped clarify the question. According to the terms of this law, the Monastery Department was to see to it that all the priests told the midwives in their parishes:

> It is a crime to do away with malformed children, even though no one is a witness to your actions. Instead, you should call the priest as soon as such a child is born. The priest will baptize the infant, then ask the Monastery Department where to place the monster.[14]

When this law is read in parallel with the law requiring weekly lists of the births and deaths, it indicates, in the writer's opinion, an intention on the Tsar's part to use the prestige of the parochial clergy as a means of putting an end to the custom of infanticide.

---

[12] Pamiatniki... I, 240.

[13] B. B. Kafengauz, N. I. Pavlenko et al., Rossiia v pervoi chetverti XVIII v.: Preobrazovaniia Petra I [Russia in the First Quarter of the Eighteenth Century: The Reforms of Peter I] (Moscow, 1954), an unnumbered volume in Ocherki istorii SSSR: Period Feodalizma [Studies in the History of the U. S. S. R.: The Feudal Period], pp. 344 et seq.; 382 et seq.

[14] Polnoe sobranie zakonov... IV, 243, No. 1964.

Another interpretation might be put upon these laws. It is suggested by the fact that these laws were promulgated in the years immediately following the death of the Patriarch. A few weeks before the death of Adrian, Peter had finished a speech by saying: "May the Lord God help Us in all ways to effect the salvation of the people".[15] If Peter meant what he said (which is granted for the sake of argument), the Tsar might not have been guided solely by the thought that infanticide was murder and that as custodian of the common good, he had to stop it. His motive might have been the following: as a Christian Tsar, Peter had to do his utmost to provide for the salvation of even these lesser subjects of his. This may sound far-fetched, but it explained an ukase, dated 1705, which would make no sense otherwise. This law enjoined all priests and confessors to notify the Monastery Department whenever one of their women parishioners died while bearing a foetus, five to nine months old.[16] There could be no question of baptizing the foetus--given the state of the medical art at that time--nor could there be question of rectifying draft schedules or taxation lists. The only explanation would be that the prayers of the Church might be helpful to the unborn child.

---

[15] N. A. Voskresenskii (ed.), Zakonodatel'nye akty Petra I [Legislative Acts of Peter I] (Moscow-Leningrad, 1945), I, 34.

[16] Polnoe sobranie zakonov... IV, 308, No. 2054.

To conclude this long discussion of the measures taken by Peter the Great to safeguard infant life, it may be mentioned that as late as 1722, there was evidence of Peter's continued concern with this problem. In that year, one of his ukases said:

> The Synod must do something about infants, for there is a great killing of children; places must be prepared for their burial.[17]

Thus, once the child was born and abandoned by its parents, it became the ward of the Church. This was not an innovation due to Peter the Great. The Church had always considered itself the protector of the helpless.[18] The fulfillment of this duty, however, had been left to the conscience of the individual bishops, abbots and parish priests. Peter tried to bring about uniformity and continuity in the welfare work of the Church by making it a universal, legal obligation. This he did by ukase, in 1714. The law made it mandatory for the bishops and abbots to construct homes for illegitimate and other unwanted babies next to the churches of Moscow and other cities.[19] The ukase was repeated in 1715.[20] The latest version of the law added some practical considerations to make the application of the law possible. The priests were told to speak to their parishioners in the following terms:

---

[17] Voskresenskii, *op. cit.*, I, 100.

[18] *Dopolneniia k aktam istoricheskim, sobrannye i izdannye Arkheograficheskoiu Komissieiu* [*Supplement to the Historical Acts, Collected and Published* by the Archeographical Commission] (St. Petersburg, 1846-1850), I, 216.

[19] *Polnoe sobranie zakonov*... V, 128, No. 2856.

[20] *Ibid*., V, 181, No. 2953.

> The mother of an illegitimate child must bring her baby to the refuge and there, place it on a window ledge, prepared for that purpose. No one will see her and she will be inconvenienced in no way. Care for the child will be provided in the refuge at government expense, and the Church will see to the rearing of the child.

The difference in point of view between Peter and Patriarch Adrian with regard to illegitimate children is evident when this text is placed side by side with the instruction of 1697. The Patriarch's interest in the problem stemmed from his conviction that illegitimate children were the sign of loose morals. He was aiming primarily at the fathers and mothers of such children. Peter, on the contrary, promised immunity from pursuit to the mother, as long as she turned over her child to the Church's foundling home. Peter was interested in the life of the child; the Patriarch, in the sin of the parents. The Church had looked after orphans and bastards before Peter's reforms, but its work, characterized by the Patriarch's words, had been a corporal work of mercy inspired by charity. Under Peter's guidance, the Church entered the field of what is now called welfare, where primary attention is focused on the needs of people, whether or not these needs are the result of personal shortcomings. Peter did not always maintain this detached view, especially with regard to beggars; but Pufendorf had said something about "proscribing indolence", while recommending "those who, because of some undeserved misfortune, are unable to sustain themselves."

As in the case of the schools of Peter's Russia, the foundling homes and orphan asylums looked to the Church and more specially, to the Monastery Department, for the funds they needed to operate.[21] This welfare work of the Church was not suppressed by the Spiritual Regulation. An ukase issued to implement some of the prescriptions of the Regulation set aside a number of monasteries and convents as homes for orphans and bastards. The law said:

> Some monasteries shall be appointed for all orphans of either sex, who have lost their parents, and for bastards, or such that are so reputed. The boys are to be brought up to the age of seven, then to be sent to school. The girls are to learn to read and different works, such as spinning, sewing and making lace, for which We shall get persons out of Brabant, instructed in this kind of work to enter into Our convents of girls, in order to teach them. Care shall be taken in the monasteries of orphans to make passages which join to the churches, that they may go to divine service without entering the cloisters.
>
> When the boys come to the age of seven, they must be put in other places, because it is not convenient that they should stay in the convents; for which purpose, the empty monasteries from whence the monks have been taken away will be proper, and schools must be there established for the orphans, who shall be taught not only religion but arithmetic and geometry.[22]

This was one law which received immediate implementation, because in 1724, a Captain of the Guards, Aleksei Baskakov, had to be appointed as supervisor of the Church's foundling homes and orphan asylums. From the reports which he made to the Holy Synod it was evident that these children were being taught all that the Tsar had required.[23] Baskakov was even provided with a list of rules to apply to the institutions under his care.

---

[21] Polnoe sobranie zakonov... VI, 124, No. 3503.

[22] Ibid., VII, 233, No. 4450.

The rules were:

> (1) From the age of six months to seven years, the children will follow the order and the life of the convent as set by the nuns, but the children's linen must be clean;
>
> (2) at five years of age, the children will be taught to read by the nuns;
>
> (3) then, the children must attend the ciphering school located in the monastery;
>
> (4) the Novo-Devichi convent of Moscow must take in no more than thirty-six infants of less than six months and for them it must provide eighteen wet nurses; the same holds true for one-year old children: thirty-six and eighteen nuns to tend them; the same proportion of children of two years and nuns must also be kept; as for three- and four-year old children, they are to get a larger allowance of food and money but they shall have only one nun for every three children; five-year old children must have one nun-attendant for every four children; six-year old children must receive another increase in allowance and six literate nuns to teach them reading and writing;
>
> (5) the proportions set out here must be maintained in the other orphanages, too.[24]

Thus, under Peter the Great, the care which the Church had given to orphans and bastards from time immemorial became the subject of regulations and took on the color of a state welfare organization. No longer was it a question for the consciences of the bishops, abbots and parish priests to decide. The laws of the realm specified the welfare duties of the Church and supervised the distribution of the Church's income to make sure the helpless children would not be slighted. Two things, however, did not change from the time when the Church had had an uncontrolled monopoly of welfare work: it was still the revenue of the Church and the personnel of the monasteries and convents which made it possible to take care of the Russian orphans and bastards.

---

[23] Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda [Description of the Documents and Records Preserved in the Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917), IV, 48-49.

[24] Polnoe sobranie postanovlenii i razporiazhenii po vedomstvu pravoslavnago ispovedaniia Rossiiskoi Imperii [Complete Collection of the Resolutions and Decrees of the Department of Orthodox Confession of the Russian Empire] (St. Petersburg, 1872-1917), IV, 1279, 1309.

The Church had not limited its compassion to little children; the sick too, had benefited from its attention. In going over the printed and written evidence handed down from the reign of Peter the Great, one cannot escape the fact that under the Tsar's guidance, hospital work became ever more institutionalized. A large part of his reforms in the fields of education, justice and finance had consisted of introducing order and continuity, as has been seen. This was true of child care, also.

The status of the medical establishments of Russia in 1700 can be inferred from the terms of a law which transferred to the revived Monastery Department a number of functions hitherto discharged by the Patriarch. One section of the law said that the Department must henceforth supervise the work of the doctors and their attendants, of the hospitals and their servants, and continue to pay their wages from the special fund set aside for that purpose, from the general revenue of the Patriarch.[25]

The Church's medical establishments in Moscow had the services of a German doctor by the name of Bidlo. He was certainly the most famous medical practitioner in Peter's Russia. Dozens of laws, petitions, reports and other official documents mention his name. He seems to have worked in all the hospitals of Moscow, but he did not limit his contribution to Russian health to his practice of surgery and medicine: he initiated young men to the secrets of his art. Solov'ev[26] and Gorchakov[27] have collected a number of details concerning this remarkable man which are not out of place here, because they furnish direct evidence of the changes Peter was bringing about in the Church as a welfare institution. Bidlo's salary was paid by the Church, as has been seen. In 1700, he was probably the only surgeon and qualified doctor in Moscow. There may have been other doctors at the court or in the homes of the nobility, but Bidlo's name was the only one mentioned in the public documents of the time. Doctor Bidlo watched over a little group of hospitals which could handle altogether 150 patients at a time. By 1723, he had two Russian assistants, who were also surgeons, and some fifty Russian and foreign subordinates employed in various apothecary duties. Besides this regular "staff", Bidlo also received some help from the student doctors whom he had trained and who served their term of apprenticeship under the master's eye. By that time, the Church hospitals in Moscow alone accommodated 500 patients.

---

[25] Polnoe sobranie zakonov... IV, 168, No. 1856.

[26] S. M. Solov'ev, Istoriia Rossii s drevneishikh vremën [History of Russia from the Most Ancient Times] (St. Petersburg, 1896), XVI, 15-16.

[27] M. I. Gorchakov, Monastyrskii Prikaz (1649-1725g.) [The Monastery Department from 1649 to 1725] (St. Petersburg, 1868), pp. 189-191.

Another measure of the increase in the Church's welfare activity with regard to the sick, under Peter's prompting, was the size of the budget. In 1707, the total allotted by the Church for salaries, medicine and other hospital expenses had been 4,475 rubles. In 1722, medicines alone cost 7,362 rubles. (It must not be forgotten, however, that the ruble had been devaluated by 1722.)[28]

The majority of Bidlo's medical students became army doctors. One of Bidlo's early graduates, Dunel, had been given 1,400 rubles by the Monastery Department in 1708, for the medical supplies he needed for his work among the regiments.[29] Between 1712 and 1714, Doctor Bidlo awarded twenty-two diplomas to army doctors; seventeen more received their licenses to practice in the army in 1718-1719. For these varied services, the good doctor received a salary of 800 rubles a year from the revenues of the Church and another hundred rubles in fees from his private clientele.[30]

---

[28] _Vide_, Chapter IV, footnote 36.

[29] _Pis'ma i bumagi imperatora Petra Velikago_ [Letters and Papers of the Emperor Peter the Great] (Moscow-St. Petersburg, 1887-1956), VII, 186.

With the passing of time and the multiplication of laws, more and more hospitals were opened in Peter's Russia and more doctors came to help the ageing Bidlo. This growth in welfare activity can be traced, to some extent, by means of the Church's swelling "hospital budget". In 1720, the hospitals called for the expenditure of 31,438 rubles; in 1721, the figure was 30,536 rubles; in 1723, 33,158 rubles. In 1720, the Church paid 1,818 rubles in salaries to the doctors of the Bidlo Surgery in Moscow. Another 540 rubles was needed for the upkeep of 41 medical students in the same institution. Some idea of the importance of these medical expenditures which the Church was making can be gained by comparing the figures just mentioned with the combined salaries of the priest and deacon who served the Bidlo Surgery. The sum of 20 rubles was enough for these two clergymen. Also enlightening, with regard to the living standard of doctors in Peter's Russia, was the fact that the seventeen men and women who cooked, did the laundry and tended the apothecary's garden of the Surgery, received altogether 68 rubles a year.[31]

---

[30] Ibid., X, 605.

The Church's hospital budget was fed by the direct contributions from the lands and estates of the Church, administered by the Monastery Department. In May 1721, a new source of income began to be tapped. The proceeds from the sale of the confiscated property of backsliding dissidents was added to the hospital fund.[32] Small sums also trickled in from the fines levied on military chaplains who did not discharge their duties.[33]

Attention thus far, has been focused mainly on the Church's role as the provider of funds for the hospitals and for their patients. On March 19, 1722, Peter ordered the Church to do more, much more. His ukase said:

> (1) Hospitals must be established in all the monasteries which have revenues from lands and estates, so that the monks will not account for more than 2/3 of the persons in any monastery. A proportion of one monk to one patient, or even a majority of patients must be gradually reached.
>
> (2) The number of patients in the hospital must be based upon the income of the monastery. This revenue must be divided so that no more than one-half will be used to maintain the monks or nuns.
>
> (3) In monasteries whose only income is the product of the work of the monks, the hospitals must be smaller, but never so small that there might arise a danger that the Apostle's word would be untrue: "My hands provide for me and those with me"--and the brothers must tend the sick.

---

[31] All these figures were derived from an accountant's report which has been kept in the archives of the Holy Synod. Opisanie dokumentov i del... III, CLXXX.

[32] Opisanie dokumentov i del... I, 260, 304.

[33] Supra, pp. 116-117.

> (4) The hospitals must be kept clean and orderly--(on this, see the provisions set forth in the Naval Code).[34]

From the third article of this law, it was apparent that in Peter's conception of the common good of Russia, the nuns and monks were to make their contribution in the realm of welfare work, primarily as nurses and male hospital attendants. This drive which the Tsar was making to have the monks and nuns occupy themselves with the sick of the country more than with their prayers, in no way distracted his attention from the need to keep the coffers of the hospital fund well supplied. Special collections were taken up two or three times a year for the needs of the infirmaries and hospitals.[35]

The full extent of Peter's conception of the monks and nuns as nurses and hospital attendants can be gathered from a measure, such as the following, which is typical, rather than isolated. In February 1723, the Tsar ordered the Synod to grant the Admiralty's request for nuns to look after the linen and to oversee the female employees of the Naval Hospitals in Kronstadt and Reval.[36]

Thus, as in the case of the orphans and bastards, the lion's share of the welfare work with regard to the sick fell to the Church, in Peter's reformed Russia. Even before the Church reforms, the sick had looked to the Church for succor and had received it; but the obligation holding the Church to this kind of work had been derived from the Gospel and from the old Statute of Vladimir. After the reform, there were laws prescribing how many patients were to be harbored in each monastery and convent and what proportion of monks and patients had to be maintained.

---

[34] Voskresenskii, op. cit., I, 100.

[35] Opisanie dokumentov i del... III, 429-432; Polnoe sobranie postanovlenii... III, 1084.

[36] Opisanie dokumentov i del... III, 168-169.

Besides those rendered helpless by reason of their tender age (illegitimate children, foundlings, orphans) and state of health (the sick), still another group had a claim on the compassion of the Church as an agency of welfare: the destitute and the aged. The entrance of the Tsar's laws and bureaucratic methods into this sphere of the Church's welfare activity was synonymous with the introduction of order and compulsion. Peter was not devoid of compassion for his less fortunate subjects, but he could never completely shake off the conviction that much of the apparent distress of the poor was a skillful disguise for ingrained laziness and fear of hard work. Moreover, Pufendorf had made it mandatory for the rulers who wished to govern according to natural law "to proscribe indolence".[37]

How did Peter go about "proscribing indolence"? At first, he seemed to be ready to let the existing welfare agencies continue the work they had been doing under the Patriarchs. In January 1701, a law transferred to the Monastery Department the burden of sheltering and feeding the beggars and the decrepit.[38] All this law did was to make a legal obligation out of a duty which the Church had been fulfilling since the time of Vladimir. The writer believes that Peter had an ulterior motive in doing this: he was trying to remove the grounds for not enforcing the laws he was projecting against the time-honored profession of begging. A measure of confirmation for this hypothesis is found in the fact that the laws forbidding mendicity were repeated again and again,[39] and they culminated in the violent diatribe, which was incorporated into the Spiritual Regulation. There, Peter gave full vent to his indignation at those whom he considered the "slackers" in his realm.

---

[37] Pufendorf, De officio (1927), II, 123.

> The Spiritual College shall appoint laws for the distribution of alms, because herein are great abuses. Many base people in perfect health, because they will not labor, are dismissed to go begging, and they ramble everywhere without any shame. Others dwell in hospitals gratis, with old people, which is contrary to the command of God, and an injury to the country: God commands Us to eat bread with the sweat of our faces (Gen. 3. 19), that is, with care and diversity of labors and to do good, not only for our own support, but to have wherewithal to supply the wants of those that need, i.e. of the poor, and God commands, that if anyone will not work, neither shall he eat (2 Thess. 3. 10).

---

[38] Polnoe sobranie zakonov... IV, 168, No. 1856.

[39] Ibid., IV, 782, No. 2470; V, 546, No. 3172; VI, 279, No. 3698.

And therefore, hale and lazy beggars are enemies of God; and he that encourages them, is an abetter and sharer of their sin: and all he bestows in such a misapplication of his charity does them no good, and contributes nothing to his own spiritual advantage; but by his mistaken liberality he does real mischief to the public, as We have observed. For hence, in the first place, bread becomes necessarily scarce and dear. Every sober and wise man will judge that as many thousands as are in Russia of such lazy beggars, so many thousands are useless hands, and so much the less is the increase of corn. But this is not all. By their address and crafty insinuations they devour the labor of others and cause a great consumption of provisions to no purpose. Such people must be brought hither and set to common work. These beggars do great injustice to the truly necessitous for so much as is given to them is taken away from the real poor. And again, these base people, because they are sound and healthy, can run speedily for an alms, while the truly indigent, who are sick and infirm, are left behind and some lie half dead in the streets, and in excess of pain and hunger, faint away and expire. Others are even in want of daily food, yet are ashamed to beg. A man that has any bowels of true compassion and observes and sees this would wish from his soul some effectual regulation of such disorders. Besides, some lazy, impudent fellows compose senseless and pernicious songs, which they sing to the people in hypocritical and mournful accents, imposing on the simplicity and folly of the ignorant populace and making their own advantage of this delusion. But, to sum up in brief, the mischiefs that are done by these villains; in the public roads as they find their opportunity, they break open carriages; they are incendiaries and hire themselves out for spies to rebels and traitors; they rail at the government and wickedly traduce on the Sovereign himself and incline and excite the people to vilify and despise dignities. Some pervert even the most Christian duties; they do not go to church out of a principle of duty, but only to howl incessantly in the church. And what is a barbarity and inhumanity that exceeds belief, some put out the eyes of their children, disjoint their hands and arms and dismember them, to make them really necessitous, and the greater objects of charity. Oh! a wicked race of men indeed!

> It is therefore, the great duty of the Spiritual College to consider well hereof and to consult the best way of extirpating this evil, to prescribe rules for alms-deeds, and after they have drawn up those rules, to entreat His Imperial Majesty that He will please to ratify and enforce them with His royal edict.[40]

Thus, Peter meant to use the Church as an agency of "social control" as well as "welfare work" where beggars were concerned. This note had sounded particularly clear in a law, dated 1709, which had assigned overaged criminals, incapable of serving their terms of forced labor, to diverse monasteries, where they were to work for the rest of their lives under the watchful eye of the Church. These "paroled" convicts were employed in the manufacture of candles.[41]

If the Tsar really meant to add to the Church's welfare activity the responsibility for the poor and the aged, a huge building program was called for. The existing facilities in the monasteries, convents and other Church edifices were already taken up by the sick, the orphans, the bastards and the foundlings. The Church had to find new sources of revenue to meet this new set of obligations. The growth of the Church's activity in the field under discussion can be traced by means of the mushrooming bureaucracy of the Monastery Department. A special section of the department was put in charge of the refuges for the destitute and the aged, sometime before 1709.[42] From this office, inspectors and bookkeepers sallied forth on monthly tours, made inventories, arranged for the transfer of "inmates" and checked the registers.[43] Meanwhile, the financial outlay made by the Church continued to soar. In 1707, the Tsar ordered that provisions be made to assure at least 2,000 rubles' worth of new construction every year.[44] To find that kind of money, on top of all the other demands being made on the revenues of the Church, and which have already been repeatedly mentioned, the Monastery Department was reduced to levying special taxes upon the clergy and the Church peasants. When even these special taxes did not meet the need for new funds, the department curtailed the rations allotted to the monks of the poorer monasteries by the Tsar's own laws.[45]

---

[40] Verkhovskoi, Uchrezhdenie... II, Part I, 74-75.

[41] Polnoe sobranie zakonov... IV, 399, No. 2179.

Despite the insufferable burden of all these centralized, institutionalized, welfare activities, the Church still managed to continue its private, charitable work. Between February 1716, and April 1717, the metropolitan of Novgorod spent 4,148 rubles on the 468 persons he had accepted into the dependencies of his episcopal palace.[46]

---

[42] Opisanie dokumentov i del... I, 664-667.

[43] Polnoe sobranie zakonov... IV, 476, No. 2249.

[44] Gorchakov, op. cit., p. 187.

[45] Polnoe sobranie zakonov... IV, 181-182, No. 1886.

[46] Gorchakov, op. cit., p. 188.

The almshouses attached to the Moiseev and Andreevskii Monasteries spent 13,795 rubles on the poor in 1720.[47]

Some idea of the tempo which Peter set for the Russian Church in his attempts to catch up with the Poor Laws of the Western European kingdoms can be obtained from the following figures: in 1721, the city of Moscow had 93 refuges for the old and the destitute, with 4,411 inmates, who ate 13,852 rubles' worth of food.[48] But the Tsar wanted still more. In 1722, he ordered that every last ruble not already spent by the Church, be given to the refuges for the poor and the aged.[49]

One category of welfare cases towards which Peter felt no animosity was that of the soldiers. The old, the wounded, the disabled veterans of the Russian armed forces were never obliged to go begging as long as Peter held power. Already in 1706, the Tsar had ordered the monasteries to care for the soldiers' wives who had no means of assuring their subsistence while their husbands served in the Tsar's armies.[50] This initiative of Peter's had represented a totally new kind of welfare work. Russia had never before made provisions on an institutional scale for the dependents of men in military service.[51]

---

[47] Opisanie dokumentov i del... III, CLXXX.

[48] Ibid., I, 664-667.

[49] Polnoe sobranie zakonov... VI, 713-714, No. 4022.

[50] Gorchakov, op. cit., p. 185.

In 1715, Peter extended the role of the monasteries with regard to the armed forces. An ukase commanded the convents to care for the sick and wounded soldiers and dragoons.[52] To the Monastery Department fell the task of assigning the incapacitated warriors to the various monasteries. The same agency also had to find the means to feed, house and nurse them. There seems to have been some confusion in the rush to comply with the Tsar's wish. Some convents found themselves with many wounded on their hands and no means of feeding them. By 1720, however, laws had been promulgated to introduce order into this military-monastic form of welfare activity.[53] According to these laws, the pay-rate for hospitalized soldiers was set at the same level as that of the garrison troops in the region where the monastery-hospital was located.

Another group of laws established a system of refuges for old and seriously disabled soldiers.[54] These men were to be cared for until their deaths by the monasteries. To be certain the space needed for them would not be taken up by new recruits to the monastic life, Peter forbade the tonsuring of new monks. The laws read:

---

[51] *Akty, sobrannye v bibliotekakh*... IV, 283.

[52] *Polnoe sobranie zakonov*... V, 472-473, No. 3026.

[53] *Ibid*., V, 726, No. 3409; VI, 188-189, No. 3576.

[54] *Ibid*., VII, 18, 30, Nos. 4151, 4183.

(1) They (superiors of monasteries) shall receive into their convents invalid soldiers, those who have been dismissed from the service and are not able to work, and the other truly necessitous persons and shall provide hospitals for them, as is ordered in the Regulation.

(2) Monks shall be appointed to wait upon them and the number of such monks be increased in proportion to the different degrees of the indispositions, care being taken that those who are less ill than the others, or whom age has rendered less infirm, should have less attendance, which shall be settled according to the regulations of hospitals. And monks ought not to be less than thirty years of age.

(3) The lands belonging to the monasteries shall be portioned out to those monks who are not employed in attending upon the sick, to cultivate them and to provide for their own subsistence. When there are vacancies among the monks who attend the sick, they shall be replaced by those who till the land, but no others are to be received in the place of the latter; but when there are not a sufficient number in the latter to replace the former, new ones may be chosen, and the tonsure given them. The same may be observed with regard to nuns, who are not employed in attending the sick; instead of cultivating the land, they may procure their own subsistence by the work of their hands, in spinning for the factories.

(4) There shall be two cooks: one for the laymen who are sick, and the other for the monks.

(5) The monks who wait upon the sick shall not have cells apart but there may be partitions contrived for them, in the same apartments where the sick are.

(6) They shall not have particular chanters. The priests and deacons who do not wait upon the sick shall chant the office.

(7) The priests and deacons shall divide the work between them, in such manner that two priests shall have the inspection of only a certain number of patients; so that if one of the two shall be taken ill, or is obliged to attend the divine service, the other may always be ready to visit them, or to make his report to the superior.

(8) The superior shall not fail to visit the hospitals twice a day and he shall vary the times that they may not be aware of his visits.[55]

---

[55] Ibid., VII, 229-230, No. 4450.

Thus, the contemplative life, with occasional forays into welfare work, which had been the characteristic of Russian monasticism, gave way to a breathless round of sick calls. Peter had always believed that the monasteries housed many persons whose only reason for accepting the tonsure was to avoid the responsibilities and hard work of being ordinary citizens of the empire.[56] By means of the laws just enumerated, he carried into the cloister his drive to banish indolence from his country. Undoubtedly, the country benefited much from these measures, especially the old soldiers. The writer, however, cannot escape the thought that in his pursuit of the immediate common good of Russia, Peter may have been drying up the reservoir of Christian charity which had made possible the initial success of this part of the Church reforms. It was certain, on the other hand, that the limit of the Church's financial reserves would soon be reached, if the Tsar persisted in making it responsible for the education of the country as well as the spectrum of welfare activities which have been described in this chapter. Fortunately for Peter, he would not be there when the goose stopped laying its golden eggs. Another book would be necessary to assess the long-term results of Peter's efforts to implement Pufendorf's suggestions for Church reform.

To get back to the laws of the last years of Peter's reign, the archives of the Holy Synod reveal that a law, which has not been kept in the collections must have stated that overaged or disabled soldiers, who were married, could live out their lives with their families in the homes provided for them by the monasteries in the villages administered by the Church.[57] The hypothesis of a "lost law" draws great probability from the other laws which specified that the veterans would lose their disability or retirement pay if they left the government-assigned monastery-homes. These laws also said that those who were capable of working were to be employed in tasks adapted to their capacity and supervised by the superior of the monastery or one of his deputies.[58]

---

[56] Ibid., VII, 226-227, No. 4450.

Just how many overaged or incapacitated soldiers were thus harbored with their families by the monasteries? It has proved impossible to determine the exact number, but in March 1724, the Moscow monasteries alone were caring for 570 such soldiers.[59]

Beginning with the year 1723, the Synodal archives show traces of an extended "social security" program, which had close ties with the use made by Peter of the Church's monasteries in the solution of the "old soldier" problem. In

---

[57] *Opisanie dokumentov i del*... I, 541.

[58] *Polnoe sobranie zakonov*... V, 188-189, No. 3576; VI, 649-650, No. 3962.

[59] Gorchakov, *op. cit.*, p. 193.

February of that year, the Holy Synod gave its permission, at the Tsar's request, for the tonsuring of the blind son of a dead soldier and for the admission of the widow into the almshouse attached to the monastery.[60] In September of the same year, again at the Tsar's suggestion, the Holy Synod granted a general dispensation which would allow the elderly widows of priests and deacons to be admitted into the nunneries, after they had proven themselves capable of leading a life consonant with the discipline of a convent.[61]

Thus, by the time he died, Peter the Great had organized a network of welfare institutions for all the categories of misfortunes which might befall his subjects. Illegitimate children, orphans, foundlings, beggars, destitute widows of soldiers and clergymen, the sick of all types, retired and disabled soldiers, all of them could look to the Church's institutions for succor and shelter. The Church had done some of this work before Peter's reforms began, but not on the scale required by the plan of the Tsar-reformer. Pufendorf, however, had recommended extended welfare work by saying:

> Rulers are not indeed bound to support their subjects, except that charity commands a special care of those who, because of some undeserved misfortune, are unable to sustain themselves.[62]

---

[60] *Opisanie dokumentov i del*... III, 179-180.

[61] *Ibid*., III, 489.

[62] S. Pufendorf, *De officio* (1927), II, 123.

The writer believes, however, that the Church reforms in the field of welfare work came from the fertile brain of Peter, with occasional assistance from Feofan Prokopovich, who drafted most of the key laws discussed in this chapter, and all of the preambles to the laws.

Pufendorf had written: "And not only must indolence be proscribed..."[63] Peter implemented that recommendation by issuing laws which forbade begging as a profession and by turning the monks and nuns of the country into nurses and hospital attendants. Peter had always been convinced that the monasteries and convents were refuges for lazy men and women, who shirked their duties to a State resolutely striving for the common good. By using the monasteries and their personnel in welfare work, Peter struck what he considered a death blow to the two most widespread forms of indolence: one seen on every street corner, the other hidden behind convent walls.

* * *

---

[63] *Ibid.*

Conclusion

The laws, decrees, manifestoes and regulations which Peter the Great used to reform the Russian Orthodox Church reveal an inner consistency which must be related in some way to a body of political principles. The majority of the historians who have turned their attention to the activities of the reforming Tsar usually point to the spirit of _raison d'état_ or "monarchical rationalism" prevailing in Western Europe as the theoretical inspiration for Peter's work. The writer agrees with this opinion. He believes, however, that the evidence--written and printed--which has come down from Petrine times can also be read more closely. This closer reading indicates to him that the particular version of the secularized common good-natural law theory which Pufendorf propounded had a marked effect on Peter the Great. A number of Peter's Church reforms, especially in the field of welfare work, could not be traced to Pufendorf. But in so many other instances the similarity in points of view and even in the expressions used, indicated a borrowing by the reforming Tsar from the German jurist. The writer, therefore, feels justified in concluding that Peter's boast of being the "Russian Pufendorf" had not been an idle jest.

* * *

Bibliography

I-Primary Material

A- Collections

Akty istoricheskie, sobrannye i izdannye Arkheograficheskoiu Komissieiu [Historical Acts, Collected and Published by the Archeographical Commission] (St. Petersburg, 1841-1844). Volumes I-V.

Akty, sobrannye v bibliotekakh i arkhivakh Rossiiskoi imperii arkheograficheskoiu ekspeditsieiu imp. Akademii Nauk [Acts, Collected from the Libraries and Archives of the Russian Empire by the Archeographical Expedition of the Imperial Academy of Sciences] (St. Petersburg, 1836-1838). Volumes I-IV.

Corpus iuris civilis. Justiniani Novellae [Collection of Civil Law. Decrees of Justinian], Schoell (ed.), (Berlin, 1904). Volume III.

Dopolneniia k aktam istoricheskim, sobrannye i izdannye Arkheograficheskoiu Komissieiu [Supplements to the Historical Acts, Collected and Published by the Archeographical Commission] (St. Petersburg, 1846-1850). Volumes I-XII.

Drevniaia rossiiskaia vivliofika [Ancient Russian Library] (Myshkin, 1891-1897). Volumes I-V.

Opisanie dokumentov i del khraniashchikhsia v arkhive sviateishago pravitel'stvuiushchago sinoda [Description of the Documents and Records Preserved in the Archives of the Most Holy Governing Synod] (St. Petersburg, 1868-1917). Volumes I-VII.

Pamiatniki, izdannye Vremennoi Komissiei dlia razbora drevnikh aktov [Memorials, Published by the Temporary Commission for the Critique of Ancient Acts] (Kiev, 1846-1852). Volumes I-III.

Pamiatniki Russkogo Prava [Memorials of Russian Law] (Moscow, 1952-1956). Volumes I-IV.

Pis'ma i bumagi imperatora Petra Velikago [Letters and Papers of the Emperor Peter the Great] (St. Petersburg-Moscow, 1887-1956). Volumes I-X.

Polnoe sobranie postanovlenii i razporiazhenii po vedomstvu pravoslavnago ispovedaniia Rossiiskoi Imperii [Complete Collection of the Resolutions and Decrees of the Department of Orthodox Confession of the Russian Empire] (St. Petersburg, 1872-1917). Volumes I-VIII.

Polnoe sobranie zakonov Rossiiskoi Imperii s 1649g. [Complete Collection of the Laws of the Russian Empire from 1649] (St. Petersburg, 1830-1916). Volumes I-VII.

Sobranie gosudarstvennykh gramot i dogovorov, khraniashchikhsia v gosudarstvennoi kollegii inostrannykh del' [Collection of the State Treaties and Agreements, Preserved in the State College of Foreign Affairs] (Moscow, 1813-1828). Volumes I-IV.

Zakonodatel'nye akty Petra I [Legislative Acts of Peter I], Voskresenskii (ed.), (Moscow-Leningrad, 1945). Volume I.

Of unequal value:

Chteniia v Obshchestve istorii i drevnostei rossiiskikh pri Moskovskom universitete [Lectures of the Society of Russian History and Antiquities in Moscow University] (Moscow, 1845-1918). 264 volumes.

B- Single Items and Translations

Avvakum, *Zhitie protopopa Avvakuma, im samim napisannoe* [Life of Protopope Avvakum, Written by Himself] (Leningrad, 1927).

Bartenev, P. (ed.), *Sobranie pisem Ts. Alekseia Mikhailovicha* [Collection of the Letters of Tsar Aleksei Mikhailovich] (Moscow, 1856).

Buzhinskii, G., *Vvedenie v gistoriiu evropeiskuiu chrez Samuila Puffendorfia na nemetskom iazyke izlozhennoe* [Introduction to the History of Europe, Composed in the German Language by Samuel Pufendorf] (St. Petersburg, 1718).

Chin izbraniia i rukopolozheniia arkhiereiskaia [Order of Election and Consecration of a Bishop] (St. Petersburg, 1725).

Consett, T., *The Present State and Regulations of the Church of Russia* (London, 1729).

King, J. G., *The Rites and Ceremonies of the Greek Church in Russia* (London, 1772).

Philipps, M., *The Russian Catechism* (London, 1723).

Pis'ma i Donoseniia Iezuitov o Rossii kontsa XVII i nachala XVIII veka [Jesuit Letters and Reports on Russia at the End of the XVII and Beginning of the XVIII Centuries] (St. Petersburg, 1904).

Pokhodnyi zhurnal--1711g. [Campaign Journal of the Year 1711] (St. Petersburg, 1854).

Prokopovich, F. *Pis'ma* [Letters] (Moscow, 1776).

---*Pravda voli monarshei* [The Justice of the Will of Monarchs] (Moscow, 1726).

Pufendorf, S., *De jure naturae et gentium libri octo* [About the Law of Nature and of Nations: Eight Books] (Lund, 1672).

---*De habitu religionis Christianae ad vitam civilem liber singularis* [On the Relation of the Christian Religion to Civil Life: Single Volume] (Bremen, 1687).
---*Of the Nature and Qualification of Religion in Reference to Civil Society*, trans. J. Crull. (London, 1698).

---*De officio hominis et civis prout ipsi praescribuntur lege naturali* [On the Duty of Man and Citizen as Prescribed to Him by Natural Law] (Lund, 1673).
---*De officio hominis et civis juxta legem naturalem libri duo* [On the Duty of Man and Citizen According to Natural Law: Two Books], trans. F. G. Moore. (New York, 1927).

---*Einleitung zu der Historie der vornehmsten Staaten in Europa* (Frankfort a/d Main, 1682-1686).
---*An Introduction to the History of the Principal States of Europe*, trans. J. Sayer. (London, 1744).

Ulozhenie Gosudaria, Tsaria i Velikago Kniazia, Alekseia Mikhailovicha [Code of the Lord Tsar and Grand Prince, Aleksei Mikhailovich] (St. Petersburg, 1913).

Verkhovskoi, P. V., *Uchrezhdenie dukhovnoi kollegii i Dukhovnyi Reglament* [The Establishment of the Spiritual College and the Spiritual Regulation] (Rostov-on-the-Don, 1916). Volume II.

II-*Secondary Material*

Ammann, A. M., *Storia della Chiesa Russa* (Turin, 1948).

Bissonnette, G., "The Church Reforms of Peter the Great as a Problem in Soviet Historiography", *Slavic and East-European Studies*, I (Oct.-Dec. 1956, Jan.-March 1957).

Bogoslovskii, M. M., *Oblastnaia reforma Petra Velikogo* [Provincial Reform of Peter the Great] (Moscow, 1902).

---*Pëtr Velikii i ego reformy* [Peter the Great and His Reforms] (Moscow, 1920).

---*Pëtr I. Materialy dlia biografii* [Peter I. Materials for a Biography] (Moscow, 1940-1948). Five volumes.

Borodev, G., *O Moskovskom sobore 1681-1682gg.* [About the Council of Moscow, 1681-1682] (St. Petersburg, 1885).

Bykov, T. A., Gurevich, M. M., Berkov, P. N., *Opisanie izdanii napechatannykh kirillitsei* (1689-ianvar' 1725g.) [Description of the Publications Printed in Cyrillic Characters (1689-January 1725)] (Moscow-Leningrad, 1958).

---*Opisanie izdanii grazhdanskoi pechati* (1708-ianvar' 1725g.) [Description of the Publications Printed in Civil Characters (1708-January 1725)] (Moscow-Leningrad, 1958).

Cherniavsky, M., *Tsar and People*: *Studies in Russian Myths* (New Haven, 1961).

Chistovich, I. S., *Feofan Prokopovich i ego vremia* [Feofan Prokopovich and His Time] (St. Petersburg, 1868).

Chroust, A. H., "Hugo Grotius and the Scholastic Natural Law Tradition", *The New Scholasticism*, XVII (1943).

Duchesne, E., *Le Domostroi* (Paris, 1910).

---*Le Stoglav* (Paris, 1930).

Esipov, G. V., *Raskol'nich'i dela* [Raskol'nik Cases] (St. Petersburg, 1863). Vol. II.

Filaret, *Sobranie mnenii i otzyvov* [Collection of Opinions and Decisions] (Moscow, 1886). Vol. IV.

Gierke, O., *Natural Law and the Theory of Society 1500 to 1800* (Boston, 1957).

Golikov, P. V., *Deianiia Petra Velikago, mudrago preobrazovatelia, sobrannyia iz dostovernykh istochnikov i raspolozhennyia po godam* [The Deeds of Peter the Great, the Wise Reformer, Collected from Authentic Sources and Disposed Chronologically] (Moscow, 1788-1790). Twelve Volumes.

---*Dopolneniia k Deianiiam Petra Velikago* [Supplement to the Deeds of Peter the Great] (Moscow, 1790-1797). Eighteen Volumes.

Golubev, A. A., *Sv. Sinod* [The Most Holy Synod] (Moscow, 1886).

Golubinskii, E. E., *Istoriia Russkoi Tserkvi* [History of the Russian Church] (Moscow, 1901). Vol. II.

---*O reforme v byte Russkoi Tserkvi* [On Reform in the Life of the Russian Church] (Moscow, 1913).

Golubov, S., *Istoriia Kievskoi dukhovnoi akademii* [History of the Kiev Ecclesiastical Academy] (Kiev, 1886). Vol. I.

Gorchakov, M. I., *Monastyrskii Prikaz (1649-1725g.)* [The Monastery Department from 1649 to 1725] (St. Petersburg, 1868).

---*O zemel'nykh vladeniiakh vserossiiskikh mitropolitov, patriarkhov i sv. sinoda* [About the Estates of the All Russian Metropolitans, Patriarchs and the Holy Synod] (St. Petersburg, 1871).

Grekov, B. D., et alii, *Istoriia SSSR s drevneishikh vremën do kontsa XVIII veka* [History of the U. S. S. R. from the Earliest Times to the End of the XVIII Century] (Moscow, 1947).

---*Sudebniki XV-XVI vekov* [Judicial Handbooks of the XV-XVI Centuries] (Moscow-Leningrad, 1952).

Grotius, H., *De imperio summarum potestatum circa sacra* [About the Authority of the Sovereigns in Things Sacred] (Amsterdam, 1646).

Gurvich, G., *Pravda voli monarshei Feofana Prokopovicha i eia zapadno-evropeiskie istochniki* [The Justice of the Will of Monarchs of Feofan Prokopovich and Its West European Sources] (Dorpat, 1915).

Hinschius, P., *Staat und Kirche* (Freiburg, 1883).

Istoriia SSSR. Ukazatel' Sovetskoi literatury za 1917-1952gg. [History of the U. S. S. R. Index of Soviet Literature from 1917 to 1952] (Moscow, 1956). Two volumes.

Iushkov, S. V., *Istoriia gosudarstva i prava SSSR* [History of the State and Law of the U. S. S. R.] (Moscow, 1940). Vol. I.

---*Izsledovaniia po istorii russkogo prava* [Research in the History of Russian Law] (Saratov, 1926).

Jugie, M., *Theologia dogmatica Christianorum orientalium ab Ecclesia Catholica dissidentium* [Dogmatic Theology of the Oriental Christians Separated from the Catholic Church] (Paris, 1931). Vol. IV.

Kafengauz, B. B., *I. T. Pososhkov, zhizn' i deiatel'nost'* [I. T. Pososhkov, His Life and Work] (Moscow, 1950).

---, N. I. Pavlenko *et al.*, *Rossiia v pervoi chetverti XVIII v.: Preobrazovaniia Petra I* [Russia in the First Quarter of the Eighteenth Century: The Reforms of Peter I] (Moscow, 1954), an unnumbered volume in *Ocherki istorii SSSR: Period Feodalizma* [Studies in the History of the U. S. S. R.: The Feudal Period].

Kapterev, N. F., "O greko latinskikh shkolakh v Moskve v XVII veke do otkrytiia slaviano-greko-latinskoi akademii", [About the Greek-Latin Schools in Moscow in the XVII Century Before the Opening of the Slavo-Greek-Latin Academy], *Pribavleniia k izdaniiu tvorenii sviatykh ottsëv* [Supplement to the Publication of the Works of the Holy Fathers], XLIX (1889).

---*Patriarkh Nikon i Tsar' Aleksei Mikhailovich* [Patriarch Nikon and Tsar Aleksei Mikhailovich] (Sergiev Posad, 1910-1912). Two volumes.

---*Svetskie arkhiereiskie chinovniki v drevnei Rusi* [Lay Episcopal Officials in Old Russia] (Moscow, 1874).

Kedrov, N. I., *Dukhovnyi Reglament v sviazi s preobrazovatel'noi deiatel'nost'iu Petra Velikago* [The Spiritual Regulation in Relation to the Reform Activity of Peter the Great] (Moscow, 1886).

Kliuchevskii, V. O., *A History of Russia*, trans. C. J. Hogarth. (London, 1926). Vol. IV.

Kniaz'kov, S., *Ocherki iz istorii Petra Velikago i ego vremini* [Essays Drawn from the History of Peter the Great and His Time](Moscow, 1909).

Koch, H., *Die russische Orthodoxie im petrinischen Zeitalter* (Breslau, 1929).

Kurth, G., "Moyen Age", *Dictionnaire Apologétique de la Foi Catholique*, (Paris, 1926). Vol. III.

Lebedev, A. P., *Istoricheskie ocherki Vizantiisko-Vostochnoi Tserkvi ot kontsa XI-go do poloviny XV-go veka* [Historical Essays on the Byzantine-Eastern Church from the End of the Eleventh to the Middle of the Fifteenth Century] (Moscow, 1902).

Lebedev, V. I., *Reformy Petra I* [Reforms of Peter I] (Moscow, 1937).

Ledit, J. H., "Russie", *Dictionnaire de Théologie Catholique*, (Paris, 1939). Vol. XIV.

Linchevskii, M., "Pedagogiia drevnykh bratskikh shkol i preimushchestvenno drevnei kievskoi academii", [The Pedagogy of the Old Brotherhood Schools and Especially the Old Kiev Academy], *Trudy Kievskoi Dukhovnoi Akademii* [Proceedings of the Kiev Ecclesiastical Academy], III (1870).

Lo Grasso, M., *Ecclesia et Status: Fontes Selecti* (Rome, 1939).

Mavrodin, V. V., *Pëtr Pervyi* [Peter the First] (Leningrad, 1948).

Medlin, W. K., *Moscow and East Rome* (Geneva, 1952).

Miliukov, P. N., *Gosudarstvennoe khoziaistvo Rossii v pervoi chetverti XVIII stoletiia i reforma Petra Velikago* [The State Economy of Russia in the First Quarter of the Eighteenth Century and the Reform of Peter the Great] (St. Petersburg, 1905).

Miliutin, V., "O nedvizhimykh imushchestvakh dukhovenstva v Rossii", [On the Real Property of the Clergy in Russia], *Chteniia v Obshchestve istorii i drevnostei rossiiskikh pri Moskovskom universitete* [Lectures of the Society of Russian History and Antiquities in Moscow University], XXXI (Oct.-Dec. 1859), XXXVI (Jan.-March 1861).

Mirchuk, D. I., *Istorichno-ideologichni osnovi Teorii III Rimy* [Historico-Ideological Basis of the Theory of the Third Rome] (Munich, 1954).

Morozov, P., *Feofan Prokopovich kak pisatel'* [Feofan Prokopovich as a Writer] (St. Petersburg, 1880).

Mouravieff, A. N., *A History of the Church of Russia*, trans. Blackmore. (Oxford, 1842).

Mrochek-Drozdovskii, P. N., *Oblastnoe upravlenie Rossii XVIII v.* [Local Government in Eighteenth Century Russia] (Moscow, 1876).

Nikol'skii, N. M., *Istoriia russkoi tserkvi* [History of the Russian Church] (Minsk, 1930).

Novosel'skii, A. A., N. V. Ustiugov *et al.*, *Period Feodalizma: XVII v.* [The Feudal Period: Seventeenth Century] (Moscow, 1955), an unnumbered volume in *Ocherki istorii SSSR* [Studies in the History of the U. S. S. R.].

Pankratova, A. M., *Istoriia SSSR* [History of the U. S. S. R.] (Moscow, 1948).

Pascal, P., *Avvakum et les débuts du Raskol* (Paris, 1938).

Pavlov-Silvanskii, N. P., *Feodalizm v drevnei Rusi* [Feudalism in Ancient Russia] (Moscow-Petrograd, 1923).

---*Proekty reform v zapiskakh sovremennikov Petra Velikago* [Reform Projects in the Memoirs of the Contemporaries of Peter the Great] (St. Petersburg, 1897).

Pekarskii, P. P. *Nauka i literatura v Rossii pri Petre Velikom* [Science and Literature in Russia at the Time of Peter the Great] (St. Petersburg, 1862), Vols. I-II.

Platonov, S. F., *History of Russia*, trans. Aronsberg. (New York, 1925).

---*K istorii moskovskikh zemskikh soborov* [Towards a History of the Muscovite Assemblies of the Land] (St. Petersburg, 1905).

---*Lektsii po russkoi istorii* [Lectures in Russian History] (St. Petersburg, 1907).

---*Pëtr Velikii, lichnost' i deiatel'nost'* [Peter the Great, Personality and Work] (Leningrad, 1926).

Pokrovskii, M. N., *Brief History of Russia* (New York, 1933).

---*Russkaia istoriia s drevneishikh vremën* [Russian History From the Earliest Times], trans. Clarkson. (New York, 1931).

Pososhkov, I. T., *Kniga o skudosti i bogatstve* [Book on Poverty and Wealth] (Moscow, 1951).

---*Zaveshchanie otecheskoe* [A Father's Testament] (St. Petersburg, 1893).

Protiv istoricheskoi kontseptsii M. N. Pokrovskogo [Against M. N. Pokrovskii's Conception of History] (Moscow, 1939-1940). Two volumes.

Rzhiga, B. F., *Opyty po istorii russkoi publitsistiki XVI veka. Maksim Grek kak publitsist* [Essays on the History of Russian Journalism in the Sixteenth Century. Maxim the Greek as a Publicist] (Leningrad, 1934).

Rodoskii, A., *Opisanie 432 rukopisei prinadlezhaiushchikh S.-Petersburgskoi Dukhovnoi Akademii* [Description of 432 Manuscripts Belonging to the St. Petersburg Ecclesiastical Academy] (St. Petersburg, 1894).

Romanovich-Slavatinskii, A. V., *Sistema gosudarstvennogo prava v ego istoriko-dogmaticheskom razvitii* [The System of Public Law in Its Historico-Dogmatic Development] (Kiev, 1886).

Rozhkov, I. A., *Russkaia Istoriia v sravnitel'no-istoricheskom osveshchenii* [Russian History in the Light of Comparative History] (Moscow, 1919-1926). Vol. V.

Runkevich, S. G., *Uchrezhdenie i pervonachal'noe ustroistvo sviateishago pravitel'stvuiushchago sinoda* [The Institution and Original Structure of the Most Holy Governing Synod] (St. Petersburg, 1900).

Samarin, Iu. F., *Sochineniia: Stepan Iavorskii i Feofan Prokopovich* [Works: Stepan Iavorskii and Feofan Prokopovich] (Moscow, 1880). Vol. V.

Sergeevich, V. I., *Russkiia iuridicheskiia drevnosti* [Russian Juridical Antiquities] (St. Petersburg, 1900).

Shestakov, A. V., *Kratkii kurs istorii SSSR* [Short Course of History of the U. S. S. R.] (Moscow, 1937).

Shimko, I. I., *Patriarshii Kazënnyi Prikaz* [The Patriarchal Finance Bureau] (Moscow, 1894).

Shmurlo, E., *Pëtr Velikii v otsenke sovremennikov i potomstva* [Peter the Great in the Estimation of His Contemporaries and Posterity] (St. Petersburg, 1912). Vol. I.

Shpakov, A., *Gosudarstvo i Tserkov* [State and Church] (Odessa, 1912).

Skvortsov, G. A., *Patriarkh Adrian* (Kazan', 1913).

Smirnov, A., *Drevne-Russkii Dukhovnik* [Ancient Russian Confessor] (Moscow, 1913).

Solov'ev, S. M., *Istoriia Rossii s drevneishikh vremën* [History of Russia from the Most Ancient Times] (St. Petersburg, 1896). 29 Volumes.

---*Publichnye chteniia o Petre Velikom* [Public Lectures on Peter the Great] (Moscow, 1872).

Stupperich, R., "Staatsgedanke und Religionspolitik Peters des Grossen", *Osteuropäische Forschungen*, XXIII (1936).

Subbotin, N., *Materialy dlia istorii raskola* [Materials for a History of the Raskol] (Moscow, 1875-1878). Eight volumes.

Suvorov, N. S., *Uchebnik Tserkovnogo Prava* [Manual of Ecclesiastical Law] (Moscow, 1912).

Syromiatnikov, B. I., *Reguliarnoe gosudarstvo Petra Pervogo i ego ideologiia* [The Regulatory State of Peter the First and Its Ideology] (Moscow-Leningrad, 1943). Vol. I.

Temnikovskii, E. N., *Odin iz istochnikov Dukhovnogo Reglamenta* [One of the Sources of the Spiritual Regulation] (Kharkov, 1909).

---*Polozhenie Imperatora vserossiiskago v russkoi pravoslavnoi Tserkvi v sviazi s obshchim ucheniem o tserkovnoi vlasti* [The Place of the All Russian

Emperor in the Russian Orthodox Church in Relation to the General Theory of Church Power] (Iaroslavl', 1909).

Tikhomirov, M. N., Istochnikovedenie istorii SSSR [Study of the Sources of the History of the U. S. S. R.] (Moscow, 1940). Vol. I.

---Istoriia SSSR [History of the U. S. S. R.] (Moscow, 1948).

Titlinov, B. V., "Feofan Prokopovich", Russkii Biograficheskii Slovar' [Russian Biographical Dictionary], (St. Petersburg, 1913).

Ustrialov, K., Istoriia tsarstvovaniia Petra Velikago [History of the Reign of Peter the Great] (St. Petersburg, 1858). Six volumes.

Vallotton, H., Pierre le Grand (Paris, 1958).

Vasilenko, N., "Prikazy," Entsiklopedicheskii Slovar' [Encyclopedic Dictionary] (St. Petersburg, 1898). Vol. XXV.

Veremennikov, V. I., Istoriia Tainoi Kantseliarii Petrovskogo Vremini [History of the Secret Chancery in Petrine Times] (Kharkov, 1910).

Verkhovskoi, P. V., Ocherki po Istorii Russkoi Tserkvi v XVIII i XIX stoletii [Essays on the History of the Russian Church in the Eighteenth and Nineteenth Centuries] (Warsaw, 1912).

---Uchrezhdenie Dukhovnoi kollegii i Dukhovnyi Reglament [The Establishment of the Spiritual College and the Spiritual Regulation] (Rostov-on-the-Don, 1916). Vol. I.

Vladimirskii-Budanov, M. F., Obzor istorii russkago prava [Survey of the History of Russian Law] (St. Petersburg, 1909).

---Gosudarstvo i narodnoe obrazovanie v Rossii XVIII v. [The Government and Popular Education in Russia in the Eighteenth Century] (Iaroslavl', 1874).

Volgin, V. P., *Dvadtsat' piat' let istoricheskoi nauki v SSSR* [*Twenty-five Years of Historical Studies in the U. S. S. R.*] (Moscow-Leningrad, 1942).

---*Istoricheskie nauki: 1725-1945* [*Historical Studies: 1725-1945*] (Moscow, 1945).

Zhishman, J., *Das Eherecht des Orientalischen Kirche* (Vienna, 1864).